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L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

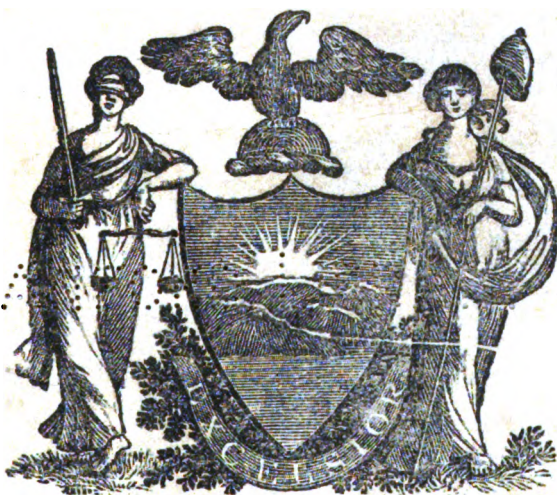
**THIRTY-SIXTH, THIRTY-SEVENTH AND
THIRTY-EIGHTH SESSIONS**

OF THE

LEGISLATURE,

COMMENCING

NOVEMBER 1812, AND ENDING APRIL 1815.



VOL. III.

ALBANY:

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1815.

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L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE THIRTY-SIXTH SESSION OF THE
LEGISLATURE, BEGUN AND HELD AT THE
CITY OF ALBANY, THE SECOND DAY OF
NOVEMBER, 1812.

CHAP. I.

An ACT directing the Confinement of John Bowman in the State-Prison at hard labor for life.

Passed November 10, 1812.

WHEREAS John Bowman, at a court of oyer and terminer held in and for the county of Herkimer, in the month of September last past, was convicted of the murder of a female child, and sentenced to be executed on the fourth day of December next: And whereas from the report of the judge who presided at the trial of the said John Bowman it appears, that at the time the said crime was committed, the said John Bowman was about nine years of age: Therefore, in consideration of the extreme youth of the said John Bowman,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That instead of the punishment of death, the said John Bowman shall be and is hereby directed to be confined in the state-prison at hard labor, for and during the term of his natural life; and that it shall be the duty of the sheriff of the county of Herkimer, on or before the first day of December next after the passing of this act, to remove the said John Bowman from the prison in the said county of Herkimer, and him safely deliver to the keeper or keepers of the said state-prison; and that it shall be the duty of the said keeper or keepers of the said state-prison to receive the said John Bowman into the said state-prison, and him to keep at hard labor during his natural life.

CHAP. II.

An ACT making provision for an additional Compensation to the Members of the Legislature and the Officers of both Houses.

Passed November 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate

and speaker of the assembly, and to each member of the senate and assembly, and to the officers of both houses, and to the clergy who have attended as chaplains, the like compensation for their services during the present meeting of the legislature, and for each day's travel, as was allowed by law at the last session.

CHAP. III.

An ACT relative to the Court of Common Pleas in the county of Orange, and Court of General Sessions of the Peace in the county of St. Lawrence.

Passed November 10, 1812.

Com. pleas
Orange co.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all writs and process issued out of the court of common pleas for the county of Orange, and made returnable in the said court on the first Tuesday in September last, shall be and hereby are declared (with all the proceedings had thereon) as valid and beneficial to the parties interested therein as if they had been made returnable in said court on the first Monday in September last, which, by an act passed at the last session of the legislature, became the return day of said court.

Gen. Sessions
St. Lawrence.

II. *And be it further enacted*, That so much of the act entitled "an act to erect a part of this state into a county by the name of the county of St. Lawrence," passed March 3d, 1803, as directs a court of general session of the peace to be held in the said county of St. Lawrence on the first Tuesday of June, is hereby repealed; and that there shall be held in the said county of St. Lawrence, a court of general session of the peace on the second Tuesday in January in each year.

CHAP. IV.

An ACT to alter the Times of holding the Courts of Common Pleas in Putnam county, and for other purposes.

Passed November 10, 1812.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the term of the court of common pleas held on the second Tuesday in April, shall commence and be held on the first Tuesday of February, and shall continue until the Saturday thereafter inclusive, if necessary; and further, that there shall be held in and for the said county of Putnam, one additional term of the said court of common pleas, making three distinct and separate terms of said court in every year; which additional term of said court shall commence and be holden on the first Tuesday in June, and shall continue, if necessary, until the Saturday thereafter inclusive. And further, that all process which shall or may have been issued out of said court, tested of October term, and made returnable on the second Tuesday in April following, shall be returned on the first Tuesday in February, and such return shall be valid against

all persons therein concerned, any law to the contrary thereof notwithstanding.

II. *And be it further enacted*, That a court of general sessions of the peace shall be held in the said county at each and every term of the said courts of common pleas.

III. *And be it further enacted*, That all that part of the second section of the act, entitled "an act to divide the county of Dutchess," which this act otherwise directs and provides for, shall be and the same is hereby repealed.

CHAP. V.

An ACT for the Relief of Elizabeth Hamilton.

Passed November 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant by letters patent to Elizabeth Hamilton, and to her heirs and assigns, the like number of acres of land which have been granted to officers of the grade of lieutenant-colonel in the line of the state in the army of the United States, during the revolutionary war, in the tract set apart for the use of the troops of this state in the army of the United States, as a compensation for the services of the late Alexander Hamilton.

CHAP. VI.

An ACT authorizing the Mayor, Aldermen and Commonalty of the city of Schenectady to sell certain Lands therein mentioned.

Passed November 10, 1812.

WHEREAS a petition from the mayor, aldermen and commonalty of the city of Schenectady, under their corporate seal, hath been presented to this legislature for leave to dispose of three thousand two hundred acres of their common lands, to be selected from the gores and remnants, the corners and gussets, the detached and irregular pieces lying in the patent of Schenectady, and belonging to said corporation: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Schenectady aforesaid to convey the said three thousand two hundred acres of the common lands belonging to the said corporation for the purposes set forth in their said petition, any thing in the acts of the legislature of this state heretofore passed to the contrary notwithstanding.

CHAP. VII.

An ACT to alter the Time of holding the January Terms of the Courts of Common Pleas and General Sessions of the Peace in and for the counties of Otsego and Schenectady, and for other purposes.

Passed November 11, 1812.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the

Otsego Jan.
term altered
to February.

passing of this act the January term of the courts of common pleas and general sessions of the peace in and for the county of Otsego, shall be held on the second Tuesday of February in every year, at the court house in said county, and shall be called the February term of said courts.

Schenectady
Jan. term al-
tered to Dec.

II. *And be it further enacted*, That from and after the passing of this act, the January term of the courts of common pleas and general sessions of the peace in and for the county of Schenectady shall be held on the last Tuesday of December in every year, at the court house in said county, and shall be called the December term of said courts.

Writes how to
be made re-
turnable in
Otsego.

III. *And be it further enacted*, That all writs, process, and other proceedings, made or to be made returnable, and all persons held or to be held to appear before the judges and assistant justices of the said courts, at the court house in said county of Otsego on any day of the term which if this act had not been passed would be called January term next, shall be deemed and taken to be made returnable and held to appear before the judges and assistant justices of the said courts, at the court house in said county, on the second Tuesday of February next: And further, that the said courts of common pleas and general sessions of the peace, and all suits and matters therein depending or being, shall be deemed and taken to be continued from the last October and June terms of the said courts respectively, unto the said second Tuesday of February next, at the court house in said county, with the like effect to all intents and purposes whatsoever, as the same would have been continued to the second Tuesday of January next, at the court house in said county, if this act had not been passed.

In Schenec-
tady.

IV. *And be it further enacted*, That the preceding section shall in all respects be applicable to the courts of common pleas and general sessions of the peace in and for the county of Schenectady; and that all writs, process and proceedings now or hereafter made returnable in the county of Schenectady on the second Tuesday of January next, shall be deemed and taken to be made returnable on the last Tuesday of December next, and the proceeding in said county be continued to the said last Tuesday of December next, instead of the second Tuesday of January next.

Vacancy in
7th congress
how to be fil-
led.

V. *And be it further enacted*, That it shall be lawful for his excellency the governor to order by proclamation the election of a representative in the house of representatives of the United States, to fill the vacancy occasioned by the resignation of Robert Le Roy Livingston, one of the representatives of the district composed of the counties of Washington, Rensselaer and Columbia, to be held on the third Tuesday of December next, and the two next succeeding days, any thing in the act passed the 24th day of March, 1801, to the contrary notwithstanding.

CHAP. VIII.

An ACT for the Pardon of Mary Cool.

Passed January 20, 1813.

WAEREAS Mary Cool was on the twentieth day of November last, at a court of oyer and terminer and gaol delivery held

In and for the county of Ulster, convicted of the murder of her infant bastard child, and was accordingly sentenced to be executed on the twenty-ninth day of January instant : And whereas serious doubts are entertained with respect to the sufficiency of the evidence upon which the said Mary Cool was so convicted : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Mary Cool, of and from the felony and conviction aforesaid, and all execution and forfeiture thereon, be and is hereby fully and absolutely pardoned and discharged.

CHAP. IX.

An ACT to explain and amend the act, entitled "an act relative to the Village of Ballston Spa."

Passed January 27, 1813.

BE it enacted and declared by the people of the state of New-York, represented in Senate and Assembly, That nothing in the act entitled "an act relative to the village of Ballston Spa," shall be so construed as to enable the corporation thereby created in any wise to limit, obstruct or hinder the free and common use, for transportation or otherwise, of the mineral waters in the said village : Provided, That from the first day of July to the first day of November in each year, the waters to be taken from the Springs shall be taken between an half an hour after sunset, and an half an hour before sunrise.

CHAP. X.

An ACT dividing the Town of Russell.

Passed January 27, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Russell, in the county of St. Lawrence, which on the map of this state is known and distinguished by the townships of the names of Hammond, Somerville and Kilkenny, shall be and hereby is erected into a separate town by the name of Rossie ; and that the first town meeting shall be held at the dwelling house of Reuben Streater, in said town ; and that all the remaining part of the said town of Russell shall be and remain a separate town by the name of Russell.

Town of Rossie erected.

CHAP. XI.

An ACT for the Sale of the Real Estate of Henry Slegt, late of Kingston, in Ulster county.

Passed January 27, 1813.

WHEREAS it appears by the petition of Henry B. Slegt and others, that the personal estate of Henry Slegt, late of

Kingston, in Ulster county, is not sufficient for the payment of his debts and legacies, and that certain legacies in his will are charged on his real estate : And whereas it also appears that there are more than fifty persons interested in the said real estate of the said Henry, several of whom are minors, some females covert, and residing in different parts of this state, so that a payment of the debts and legacies cannot be had at law or in equity without very great expense, trouble and inconvenience : Therefore,

Power to sell
and manner
of proceed-
ing.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Peter M. Groen and Henry B. Slegt, surviving executors of the last will and testament of Henry Slegt, esquire, late of Kingston, in the county of Ulster, deceased, and John Sudam, a creditor of said Henry, or any two of them, to expose to sale all the real estate of which the said Henry died seised in the counties of Ulster and Delaware, first giving six weeks notice of the same in two of the public newspapers printed in the said county of Ulster, of the time and place of said sale ; and upon the sale of the same, to execute to the purchaser or purchasers deeds in fee for the same.

Money how
disposed of.

II. *And be it further enacted,* That after the said sale, the monies arising therefrom shall be deposited with the surrogate of the said county of Ulster, by the said Peter M. Groen, Henry B. Slegt and John Sudam, or any two of them, to be applied to the payment of the debts of the said Henry, the legacies charged in his will, and the residue to be applied as in and by his last will and testament directed and appointed.

CHAP. XII.

An ACT altering the Route of the Road from the Falls on the Genesee River to Lewistown.

Passed January 27, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the commissioners of highways of the town of Northampton, in the county of Genesee, be and they are hereby authorised and required to alter that part of the road leading through the county of Genesee, from the termination of the road from Salina to or near the falls on the Genesee river, to Lewistown, on Niagara river, which has lately been laid out by the commissioners of highways of the said town of Northampton, by virtue of an act of the legislature, entitled " an act altering the route of a road therein mentioned, and for other purposes," passed June 15th, 1812, as follows ; beginning at the northeast corner of lot number ten of the village of Rochester, in the town of Northampton, being forty-six rods from Buffalo-street, and from the centre of lot number one hundred and thirty-one in said village and running from thence to the first angle in the road lately laid out by Francis Brown, under the authority of the said commissioners, and by virtue of the said recited act, and intersecting the said road near the dwelling house of the said Francis Brown.

II. *And be it further enacted*, That the route of the road as altered in the preceding section, shall hereafter be the route established by law ; and as soon as the same shall be opened and sufficiently made, such parts of the road laid out by the commissioners under the before recited act as are included between the intersection points of the road hereby established, shall discontinue and cease to be a public road.

III. *And be it further enacted*, That the commissioners of highways of the said town of Northampton, shall forthwith cause a map of the road established by virtue of this act to be made and filed in the office of the clerk of the county of Genesee.

CHAP. XIII.

An ACT for the Relief of Settlers on the Patent granted to Zina Hitchcock and Philip Smith.

Passed January 27, 1813.

WHEREAS it appears from a report of the surveyor-general, that the original survey of the west line of a certain patent of two thousand acres of land, situate on the west side of and adjoining to Lake George, in the town of Bolton, in the county of Washington, granted by letters patent to Zina Hitchcock and Philip Smith, is extended on the adjoining unappropriated lands belonging to the people of this state, and is now occupied and possessed according to the said original survey of the said patent : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the right, title and interest of the people of this state in and to the unappropriated land comprehended by the extended line of the said patent as aforesaid, be and the same are hereby declared to be vested in the persons respectively holding, occupying or possessing the same under title derived from the said patent, in the same manner as if the original survey of the said west line had designated the true west line thereof: *Provided*, That the title to none of the said land shall be affected by this act, unless the appraised value thereof, with interest at the rate of six per centum per annum from the appraisal until the payment thereof, shall be paid into the treasury of this state within two years from the passing of this act.

CHAP. XIV.

An ACT authorising the building of a fire-proof Clerk's Office in the county of Broome.

Passed January 27, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it may and shall be lawful for the board of supervisors of the county of Broome to build or cause to be built at the village of Chenango-Point, in said county, a fire-proof clerk's office, of such materials and

dimensions as to them shall appear necessary and expedient ; and immediately after the said building is completed, to draw on the treasurer of the said county for a sum not exceeding six hundred dollars towards defraying the expenses of completing said building ; and the said treasurer is hereby authorised and required to pay such sum out of any monies then remaining in his hands unappropriated.

CHAP. XV.

An ACT for dividing the Town of Windham into three Towns.

Passed January 27, 1813.

Town of
Greenland
erected.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all that part of the town of Windham, in the county of Greene, lying east of the easterly line of great lot number twenty-two in the Hardenbergh patent, and south of the height of land between the east kill and the great hollow, be erected into a separate town by the name of Greenland, and that the first town meeting in the said town of Greenland be held at the house of Daniel Bloomer in said town : That all that part of the said town of Windham lying northwardly of the last mentioned line and of the height of land between Batavia and the south mountain settlement, crossing the highway leading from John Tuttle's to Abel Holcomb's, at a hemlock sapling standing on the east side of said road, marked R. D. and crossing the Schoharie kill on the south line of lot number eighteen in the sub-division of lot number twenty in the said Hardenbergh patent, and running from thence westerly to the county of Delaware, be erected into a separate town by the name of Windham ; and that the first town meeting in the said town of Windham shall be held at the house of John Tuttle in said town ; and that all the remaining part of the said town of Windham shall be erected into a separate town by the name of New Goshen, and that the first town meeting in the said town of New Goshen shall be held at the house of Abel Holcomb, in said town.

New Goshen.

Poor monies
divided.

II. *And be it further enacted,* That so soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid shall, by due notice to be given by the supervisors thereof, meet together and apportion the poor maintained by the said town of Windham, and the poor money belonging to the same, agreeably to the last tax list ; and that each of the said towns shall thereafter respectively maintain its own poor.

III. *And be it further enacted,* That this act shall take effect from and after the first day of April next.

CHAP. XVI.

An ACT relative to the Presbyterian Church and Congregation of Smithtown, in the county of Suffolk.

Passed February 5, 1813.

WHEREAS the trustees of the presbyterian church and congregation of Smithtown, in the county of Suffolk, have, by

their petition presented to the legislature, represented that their predecessors in office, on the first day of January one thousand eight hundred and one, conveyed a certain piece of land described as follows: "all that messuage and tract of land situate in the township of Smithtown, and late the parsonage of the presbyterian church of said town, bounded as follows, that is to say, eastwardly by the land of William Arthur, southwardly by the brook of the northeast branch, westwardly by the land formerly laid out to Job Smith, deceased, and now in possession of Isaac Blydenburgh, northwardly by the county road and a slip of land two rods wide reserved for a road, containing within the aforesaid bounds, one hundred and twenty acres, more or less, as the same was laid out and recorded in the records of said town, together with all and singular the houses, buildings, orchards, trees, ways, and privileges thereunto belonging; also all of a certain right or share of meadow, with the appurtenances, situate in Niseguage river, and denominated the parsonage meadow, the title whereof was then vested in the said corporation:" And whereas doubts have arisen as to the regularity of the proceedings of the said trustees in the premises, and of the validity of their said sale without legislative interference: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the grant of the aforesaid lands made by Nathaniel Smith, Caleb Smith, Mills Philips, Joshua Smith, jun. Jonas Mills, and Thomas Hallock, as trustees of the presbyterian church and congregation of the town of Smithtown, in Suffolk county, to Luther Gleson, made and executed on the said first day of January, one thousand eight hundred and one, is hereby confirmed, and that the same shall be held to have vested at the time of the execution thereof in the said Luther Gleson, his heirs or assigns, all the estate, interest and property, either in law or equity, which the said corporation, on the day last mentioned, had or ought to have in the same.

CHAP. XVII.

An ACT to amend the act entitled "an act for the Assessment and Collection of Taxes," passed the eighth day of April, eighteen hundred and eleven.

Passed February 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the supervisors of the respective towns of the county of Kings shall hold their first meeting on the first Tuesday of August in every year, to transact the ordinary business of the said county, and deliver their warrants and tax lists to the several collectors for the collection of taxes in said county, by the first Tuesday of September in every year; and that the collectors of the several towns in said county shall settle their accounts with the treasurer of the aforesaid county on or before the first Tuesday of November in every year; and that the town clerks of the respective towns in the said county of Kings shall certify and deliver to the supervisors of their respective towns,

the names of all the assessors and collectors in the same, between the first day of May and the first Tuesday of August in every year, any thing contained in the act hereby amended to the contrary notwithstanding.

CHAP. XVIII.

An ACT for the Relief of Robert Ross and others.

Passed February 5, 1813.

WHEREAS it appears to the legislature by the petition of Robert Ross, of Eastchester, in the county of Westchester, and by the agreement between him and Enos Parker, and the papers thereto annexed, that a suit at law has and now is depending between the said Robert Ross, James R. Smith and Ann Smith, infants above the age of fourteen and under the age of twenty-one years, of whom the said Robert Ross is duly appointed guardian, and the said Enos Parker, relative to the title of a tract of land of one thousand and fifty acres, situate in the town of Kortright, in the county of Delaware, being the moiety or half part of a tract of land granted by letters patent, dated the twenty-second day of May, one thousand seven hundred and seventy, by the late colony of New-York to one James Clark, as the same is described in a deed from the said James Clark by Simon Stevens, his attorney, to Robert Ross, deceased, the ancestor of Robert Ross, James R. Smith and Ann Smith, the infants aforesaid, in whom the title to the same is now vested : And whereas the parties have agreed to settle the said suit at law by mutual releases, the said Robert Ross in behalf of himself, and as guardian for the aforesaid infants, to release to the said Enos Parker, or to such person as he shall appoint, two hundred and fifty acres of land in the said tract, including the houses, out houses and improvements of the said Enos Parker and Enos Parker, junior, his son, to be laid out and surveyed in the most convenient form, before the said Enos Parker and his son Enos Parker, junior, releasing to the said Robert Ross, James R. Smith and Ann Smith, all their right and title to the remainder of the said tract : And whereas by the petition of the said Robert Ross, the legislature are requested to authorise the said Robert Ross, as guardian to the infants aforesaid, by law to release their right and title to the said two hundred and fifty acres : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Robert Ross, as guardian to the said James R. Smith and Ann Smith, to release all their right and title to two hundred and fifty acres of land in the aforesaid moiety of the patent granted by the said James Clark, by Simon Stevens his attorney, to Robert Ross, deceased, which said two hundred and fifty acres of land are to be surveyed and laid out so as to include the buildings and out houses and improvements of the said Enos Parker and Enos Parker, junior, upon the said Robert Ross receiving a release from the said Enos Parker and Enos Parker, junior, for the use of himself and the said infants,*

of all their right and title to the remainder of the said tract of one thousand and fifty acres.

II. *And be it further enacted*, That the release to be executed as aforesaid shall be firm and effectual against the said James R. Smith and Ann Smith, and extinguish their title to the aforesaid two hundred and fifty acres of land: *Provided*, That the release to be executed by the said guardian shall not conclude the rights of the said infants therein, unless the chancellor of this state shall, after a hearing in the premises, on petition or otherwise, endorse on such release a certificate under his hand, purporting that the compromise authorized by this act, is in his opinion advantageous to the said infants.

CHAP. XIX.

An ACT to incorporate the Pottsdam and Hopkinton Turnpike Road Company.

Passed February 5, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Benjamin Raymond, Liberty Knowles, Perez Paulk, Phineas Durfey, Henry M'Laughlin, Benjamin W. Hopkins, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the bridge over the river Racket, in the village of Pottsdam, and from thence on the best and most direct route to intersect the St. Lawrence turnpike road, near the dwelling house of Benjamin W. Hopkins, in the town of Hopkinton, and their successors, be and are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the Pottsdam and Hopkinton Turnpike Road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatever.

B. Raymond
and others
incorporated.

Their style.

Provide.

II. *And be it further enacted*, That the stock of said company hereby incorporated shall consist of five hundred shares of thirty dollars each, and that Benjamin Raymond, Liberty Knowles, Perez Paulk, Phineas Durfey, Henry M'Laughlin and Benjamin W. Hopkins, be and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act entitled "an act relative to turnpike companies," passed the thirteenth day of March, eighteen hundred and seven.

Stock.

III. *And be it further enacted*, That the said company hereby Rates of toll.

incorporated shall be entitled to ask and receive at the turnpike gate or gates to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same : for every cart or waggon drawn by one horse, mule or ox, six cents ; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents ; for every stage waggon, chariot, coach, coachee, phaeton, curricule, or other pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse, six cents ; for every chair, sulkey or chaise with one horse, twelve and an half cents, and in like proportion for every additional horse ; for every horse rode, six cents ; for every horse led or driven, four cents ; for every sleigh or sled drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule three cents ; for every sleigh or sled drawn by one horse, ox or mule, six cents ; for every score of cattle, horses or mules, twenty cents ; for every score of hogs or sheep, eight cents : *Provided*, That nothing in this act contained shall be construed to entitle the said corporation hereby created to demand or receive toll at any gate of or from any person passing to or from public worship, or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from any town meeting or election for the purpose of giving a vote, or from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state, or of the United States, or from any person going to or returning from any training, where by the laws of this state they are required to attend : *and provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road the tire or track of the wheel whereof is six inches wide, nor more than one fourth part of the above toll from those of nine inches wide ; and that the president and directors shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rate of toll which may be lawfully demanded.

Proviso.

Further proviso.

Dimensions of the road.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorized, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act entitled "an act to incorporate the St. Lawrence turnpike road company."

Committee to lay it out.

V. *And be it further enacted*, That Benjamin Raymond, Perez Paulk and Benjamin W. Hopkins, or any two of them, be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Privileges, &c.

VI. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges, pow-

ers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. XX.

An ACT to incorporate the Parishville Turnpike Road Company.

Passed February 5, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That David Parish, Louis Hasbrouck, Nathan Ford, John Tibbetts, junr. Benjamin Raymond, Daniel Hoard, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the court house in Ogdensburgh, in the county of St. Lawrence, and from thence on the best and most practicable route to the bridge over the river Rackett, in the village of Potsdam, and from thence to intersect the St. Lawrence turnpike near the mills in Parishville, on the most practicable route, and their successors be and they are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the Parishville Turnpike Road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation: *Provided,* That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

D. Parish
and others
incorporated.

Their style.

Provided.

II. *And be it further enacted,* That the stock of said company hereby incorporated shall consist of one thousand shares of fifty dollars each, and that Benjamin Raymond, David Parish, John Tibbetts, jun. Louis Hasbrouck and Daniel Hoard be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed March 13, 1807.

Stock.

III. *And be it further enacted,* That the said company hereby incorporated, shall be entitled to ask and receive at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage waggon, chariot, coach, coachee, phaeton, curricle or other

Rates of toll.

pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey or chaise with one horse, twelve and an half cents, and in like proportion for every additional horse; for every horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled drawn by one horse, ox or mule, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents; *Provided*, That nothing in this act contained shall be construed to entitle the said corporation hereby created to demand or receive toll at any gate of or from any person passing to or from public worship or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile of said gate, or from any person or persons who are entitled to vote when going to or returning from any town meeting or election, for the purpose of giving a vote, or from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or from any person going to or returning from any training, where by the laws of this state they are required to attend:

Proviso.

Further proviso.

And provided also, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road, the tire or track of the wheel whereof is six inches wide, nor more than one fourth part of the above toll from those of nine inches wide; and that the said president and directors shall cause to be affixed and kept up at or over each gate in some conspicuous place where it may be conveniently read, a printed list of the rates of toll which may be lawfully demanded.

Dimensions of the road.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorised, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act entitled "an act to incorporate the St. Lawrence turnpike road company."

Committee to lay it out.

V. *And be it further enacted*, That Nathan Ford, John Tibbetts, junr. and Benjamin Raymond, or any two of them, be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Privileges, &c.

VI. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. XXI.

An ACT for the Relief of the President, Directors and Company of the Ulster and Delaware first Branch Turnpike.

Passed February 5, 1813.

WHEREAS it has been represented to the legislature by the president, directors and company of the Ulster and Delaware first branch turnpike, that the stockholders of the said company, by a misconstruction of their act of incorporation, and in pursuance of the act entitled "an act relative to turnpike companies," passed the thirteenth day of March, eighteen hundred and seven, did at their first election choose nine directors instead of five, as in and by their act of incorporation they were required to do ; in consequence of which the public, as well as the said president, directors and company, have experienced great inconveniences and embarrassments : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the acts and proceedings of the said nine directors be and the same are hereby confirmed and declared to be valid to all intents and purposes as if five directors only had been chosen.

CHAP. XXII.

An ACT for the Relief of the President, and Directors of the Hamilton and Skaneateles Turnpike Company.

Passed February 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time mentioned in the act incorporating said company for the completion of the road, shall be and hereby is extended to the first day of December, one thousand eight hundred and seventeen ; and that if said road is completed by the day last aforesaid, the said act of incorporation shall be and remain in full force, any thing therein contained to the contrary notwithstanding.

CHAP. XXIII.

An ACT authorising the Trustees of the first Presbyterian Church in Jamaica, in Queens county, to dispose of the Real Estate therein mentioned.

Passed February 5, 1813.

WHEREAS the trustees of the first presbyterian church in Jamaica in Queens county, have by their petition represented to the legislature, that they are possessed of a house and lot of land situate in the village of Jamaica, containing about sixteen acres, which has been occupied as a glebe for many years, which they wish sold for the purpose of raising money to purchase another house and lot of land in the said village to be occupied as a glebe, and as a site to erect a new church : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said trustees shall be and hereby are authorised to sell the said house and lot of land in the village of Jamaica, containing about sixteen acres, now occupied as a glebe, and to grant and convey the same in fee simple to the purchaser or purchasers thereof, and the proceeds thereof to apply to the payment of another house and lot of ground to be purchased for a glebe, and as a site for erecting a new church: Provided always, That previous to such sale the said trustees shall obtain a certificate from the attorney-general, or the district attorney of the state for the district in which such land be, that he has examined the title thereof, and that such sale may be made without violating the intentions of the grantor.

CHAP. XXIV.

An ACT for the Appointment of a Treasurer.

Passed February 10, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Charles Z. Platt be and he is hereby appointed treasurer of this state, to continue in office until the twelfth day of February, which will be in the year one thousand eight hundred and fourteen.

CHAP. XXV.

An ACT to incorporate the President and Directors of the Otsego Card and Wire Factory.

Passed February 12, 1813.

*I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That John Russell, Bille Williams, jun. Arnold Wilkinson, William Tew, Perez Bradford, and such others as now are or may hereafter be associated with them for the purpose of erecting and perfecting the manufacture of iron and brass wire, and of cotton and wool cards, in the county of Otsego, state of New-York, shall be and hereby are ordained, constituted, and declared to be until the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-three, a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Otsego Card and Wire Factory," and by that name they, their successors and assigns, until that time, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, by the same name and style, shall in law be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided, That the real estate so to be holden**

J. Russell
and others in-
corporated.

Their style
&c.

shall be such only as shall be requisite to promote and attain the objects of this incorporation, such as shall have been bona fide mortgaged to it by way of security for loans, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

II. *And be it further enacted*, That the capital stock of said Stock. corporation shall not exceed one hundred thousand dollars; and that a share in the said stock shall be one hundred dollars; and that subscriptions to the said capital stock be opened and kept open, under the direction of the president and directors of said corporation, until the number of shares subscribed shall amount to one thousand: *Provided*, That no part of the said capital stock shall be employed in banking operations.

III. *And be it further enacted*, That the stock, property, af- Concerns how managed. fairs and concerns of said corporation shall be managed and conducted by five directors, one of whom to be president, who shall hold their offices for one year from the first Tuesday in March in every year, which said directors shall be citizens of this state; and the said five directors shall be elected on the first Tuesday of March in every year, at such time of the day and at such place within the county of Otsego, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors not less than ten days previous to the time of holding the said election; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose in their proper persons or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the five persons having the greatest number of votes at an election shall be directors; and the said five directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of this state, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a major part of them, shall appoint; that the first directors shall be John Russell, William Tew, Arnold Wilkin- First directors. son, Bille Williams, junior, and Perez Bradford, and shall hold their offices until the first Tuesday of March, one thousand eight hundred and fourteen.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation. Corporation not to be dissolved if election is not holden the day appointed.

V. *And be it further enacted*, That it shall be lawful for the president and directors of said corporation to call and demand of the stockholders respectively, all such sums of money as are Directors may demand monies subscribed.

by them subscribed, at such times and in such proportion as they shall deem fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said corporation, always however giving at least sixty days previous notice of such call and demand.

May make
by-laws, &c.

VI. *And be it further enacted*, That a majority of the directors for the time being shall form a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the overseers, workmen and servants employed therein, the election of directors, and all such other matters as appertain to the concerns of the institution; and shall also have power to employ so many overseers, workmen and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Transfers
how made.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered on the book or books to be kept by the president and directors for that purpose.

CHAP. XXVI.

An ACT to alter the Time of holding Town Meetings in the town of Cincinnatus, in the county of Cortland.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town of Cincinnatus, shall be held on the first Tuesday of March annually; and that all such town officers whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February to do and transact such business as to their respective offices may appertain.

CHAP. XXVII.

An ACT for the Relief of the Bristol Glass, Cotton and Clay Company, in the county of Ulster, and for other purposes.

Passed February 12, 1813.

Bristol glass
company.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the stockholders of the said company to assemble and annually from among themselves, to elect on the first Tuesday of May in every year, at such time of the day, and such place in the city of New-York as a majority of the directors for the time being shall direct, five persons, being stockholders of the said corporation, to manage and conduct the same for and in behalf of the said company, any thing contained in any former act to the contrary thereof notwithstanding: *Provided always*, That the

notice to be given of such election, and the manner of conducting the same, shall in all things conform with the act hereby amended.

II. *And be it further enacted*, That the stockholders of the Eastern turnpike road company may hold an election for the choice of directors of the said company, on the second Tuesday of March next, having given one week's notice of the time and place of holding said election, in one of the newspapers printed in the city of Albany; and that the provision in the general turnpike law for cases where the election of any turnpike company may not have been held on the day provided by law for holding the same, to hold the same on any other day shall equally apply to the said Eastern turnpike company, any law to the contrary notwithstanding.

CHAP. XXVIII.

An ACT to authorise the Supervisors of the county of Schoharie to raise Money by Tax for the erection of a fire-proof Clerk's Office.

Passed February 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be the duty of the supervisors of the county of Schoharie, and they are hereby authorised and directed, at their annual meeting in October next, to cause a sum not exceeding six hundred dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same, which sums shall be levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected, for the purpose of erecting a fire-proof building for the use of the clerk of the said county, and in which all the public records and papers belonging the office of the clerk of said county shall be kept after the said building shall be completed.

II. *And be it further enacted*, That it shall be the duty of the said supervisors to purchase and procure a convenient lot for said building, adjoining the street near the court house in said county of Schoharie, and to appoint a commissioner or commissioners to superintend the erection of the same, at such time and in such manner as they may direct, and of such materials as shall in their judgment be proof against fire.

CHAP. XXIX.

An ACT to amend the act entitled "an act to incorporate the Albany Lancaster School Society."

Passed February 12, 1813.

WHEREAS the trustees of the Albany Lancaster school society have by their petition represented, that the object of their incorporation will be promoted by certain amendments to their charter, relative to the admission of members: in order therefore to remedy the inconveniences experienced from the existing provision,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That any person who shall contribute to the benefit of the said society the sum of twenty-five dollars, shall thereupon be a member thereof, and shall be entitled, during the life of such contributor, to send one child to be educated gratuitously at any school under the care and direction of the said society, subject however to the by-laws, rules and regulations of the corporation : And further, that any person who shall contribute to the benefit of the said society any sum of money not less than five dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to members by the act hereby amended ; and none others but contributors to the said society as aforesaid shall be deemed members thereof.

II. *And be it further enacted,* That the sixth section of the act, entitled " an act to incorporate the Albany Lancaster school society," be and the same is hereby repealed.

CHAP. XXX.

An ACT for dividing the Town of Wayne, in the county of Steuben.

Passed February 12, 1813.

Town of Jersey erected. I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next, all that part of the town of Wayne south of township number five in the first range of towns, and south of the easterly half of township number five in the second range of towns, and also the gore of land lying on the east side of number four in the first range, and contained between the old and new pre-emption lines, and on the west bounds of the county of Tioga, is hereby erected into a separate town by the name of Jersey, and that the first town meeting shall be held at the house of John N. Hight, innkeeper in said town.

II. *And be it further enacted,* That all the remaining part of the town of Wayne shall be and remain a separate town by the name of Wayne ; and that the next town meeting shall be where their last annual town meeting was held.

Poor and poor money divided. III. *And be it further enacted,* That as soon as may be, after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Wayne and Jersey, on notice being first given for that purpose by the supervisors thereof, shall meet together and divide the money and poor belonging to the town of Wayne previous to the division thereof, agreeable to the last tax list of said town, and that each of the said towns shall for ever thereafter maintain its own poor.

CHAP. XXXI.

An ACT relative to the Albany Water Works.

Passed February 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the stock of the Al-

bany water works shall consist of sixteen hundred shares of fifty dollars each ; that each of the present shares be divided into two shares on each one of which (after the payment of the money heretofore required to be paid on each share shall have been made) forty dollars shall be deemed to have been paid ; that the present proprietors may within ten days after having been notified of the passing of this act by the trustees of the said Albany water works, become subscribers for any number of shares not exceeding the number of old shares they shall respectively hold after having been so divided, paying at the time of such subscription five dollars on each new share so subscribed ; that the shares remaining unsubscribed for at the expiration of the said ten days shall be offered for subscription by the said trustees, under such regulations as they shall prescribe ; that no money shall be required of the proprietors of the old shares until the proprietors of the new shares shall have been called upon to pay to the amount of forty dollars on each new share ; after which all the proprietors shall be equally subject to requisitions to the amount of their shares ; that all expenses of repairing and supporting the present works shall be borne exclusively by the proprietors of the old shares, and all dividends be made to them exclusively until the water shall have been received for use into the reservoir of the said trustees through the permanent range of conduits intended to be constructed from the sources of the said water to the said reservoir, and let into the distributing conduits.

Stock to consist of 1,600 shares.

II. *And be it further enacted*, That all and singular the rights, privileges, and immunities heretofore granted to the trustees and company of the Albany water works, shall be, and the same are hereby continued until the next annual election of the trustees of the same, and shall be, and the same are hereby confirmed, any non-user, mis-user or laches having heretofore occurred notwithstanding.

Former privileges continued.

III. *And be it further enacted*, That if any annual election shall not in future be held on the day for that purpose appointed, the same may be held on any other day with like effect as if held on such day.

Election.

CHAP. XXXII.

An ACT to lay out and improve a Road from Hadley Landing, to intersect the great road leading from Glen's Falls to the Schroon Lake.

Passed February 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Jeremy Rockwell, Duncan Cameron, and Berry Fenton, be, and they are hereby appointed commissioners, and they or any two of them, are hereby authorised and empowered to lay out a public road four rods wide, in as direct a route as the face of the country will admit, beginning at the center of the highway opposite the dwelling house of Isaac Woodworth, at Hadley landing, thence northerly on the west side of the Hudson river to the Sacondaga river, at or near its junction with the said Hudson river, thence across the Sacondaga river, thence northerly on the west side of the Hudson river, so as to pass the mouth of the Schroon river, thence across the

Commissioners to lay out the road.

Hudson river, thence to the great road leading from Glen's falls to the Schroon lake.

They shall
take an oath.

II. *And be it further enacted*, That the commissioners aforesaid before they enter upon the duties of their office, shall respectively take and subscribe before some justice of the peace, an oath faithfully and impartially to execute the trust reposed in them in and by virtue of this act, and the said oaths shall by the said commissioners respectively be filed in the office of the town clerk of the town of Hadley aforesaid.

Survey of the
road to be
filed.

III. *And be it further enacted*, That it shall be the duty of the said commissioners after having laid such road, to make or cause to be made an accurate survey bill of the same, and deliver the same to the clerks of the several towns through which the said road shall run, and it shall be the duty of the said clerks to record the same; and when so recorded, the said road shall be opened and kept in repair in the same manner as other public highways are kept in repair; and all damages which shall accrue in consequence of laying out such road, shall be assessed and paid in the same manner as is directed by the act entitled "an act to regulate highways," and the acts amending the same.

Appropriation
for laying
out the
road.

IV. *And be it further enacted*, That the sum of five thousand dollars out of the first monies arising from quit-rents due to the people of this state on lands in the towns of Hadley, Thurman and Johnsburgh, be and the same is hereby appropriated for laying out of the said road and making the necessary bridges, to be expended under the direction of a superintendent to be appointed by the person administering the government of this state for that purpose; and the said superintendent, before he shall enter upon the duties of his office, shall enter into a bond in double the amount of the said sum, to the people of this state, with two sureties, to be approved by two of the judges of the court of common pleas of the county of Saratoga, conditioned for the faithful expenditure of all the monies he shall receive under and in pursuance of this act, according to the true intent and meaning thereof, and also for accounting to the comptroller for the said expenditure within three years thereafter; and the said superintendent shall moreover, before he shall enter upon the duties of his office, take and subscribe an oath before some justice of the peace, faithfully to execute the trust reposed in him as superintendent appointed under this act, to the best of his knowledge and understanding, which said oath shall be filed in the office of the town clerk of the said town of Hadley.

Allowance to
Commissioners.

V. *And be it further enacted*, That it shall be the duty of the treasurer to pay on the warrant of the comptroller, to the said superintendent the said sum of money out of the said fund, to be by the said superintendent applied as soon as may be thereafter, to the laying out of the said road, and the building of the necessary bridges thereon.

To be paid
out of the
treasury.

VI. *And be it further enacted*, That the said commissioners and the said superintendent shall each be entitled to receive for their services and expenses whilst necessarily employed in their duties aforesaid, the sum of one dollar and fifty cents per day in addition to the wages and necessary expenses of such persons as they shall necessarily employ in and about the business afore-

said, payable out of the said appropriation : *Provided nevertheless*, That the whole expense of laying out the said road, making the survey bill thereof and recording the same shall not exceed the sum of fifty dollars ; and that the remainder of the said appropriation shall be expended in constructing the bridges across the Sacondaga and the Hudson rivers at such places as shall be appointed by the said commissioners.

CHAP. XXXIII.

An ACT for the Relief of the Elders, Deacons, Trustees and Members of the Lutheran Congregation at Loonenburgh, in the village of Athens, and town of Catskill.

Passed February 12, 1813.

WHEREAS the elders, deacons, trustees, and members of the Lutheran congregation at Loonenburgh, now village of Athens, in the town of Catskill, have by their petition to the legislature set forth, that they are desirous of applying so much of the rents, profits, and revenues, arising from their estate towards the support of the protestant episcopal clergyman at Athens aforesaid, as the trustees of the said Lutheran congregation may deem proper : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the Lutheran congregation in the village of Athens and town of Catskill, to apply the whole or any part of the rents, profits and revenues of the real and personal estate of the said Lutheran congregation at Loonenburgh, now village of Athens, towards the support and for the use of the protestant episcopal clergyman in the said village of Athens and town of Catskill, for any term or time the said trustees, or a majority of them, may deem proper, any condition in the grant or grants of land to the said Lutheran congregation to the contrary in any wise notwithstanding.

CHAP. XXXIV.

An ACT for the Relief of Samuel Godard and Daniel Hutchenson.

Passed February 12, 1813.

WHEREAS Samuel Godard and Daniel Hutchenson are owners or proprietors of the water privileges immediately above and below the bridge on the Seneca turnpike road, where the same crosses the nine mile creek in the town of Marcellus, and the lands adjacent thereto : And whereas the said proprietors are desirous of availing themselves of the full benefit of the said water privileges by erecting a dam and other works for the purpose of mills and other machinery within the limits of said turnpike road, or near the same, as shall be found most convenient : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Samuel Godard and Daniel Hutchenson, and their heirs and assigns, shall be and are

hereby authorised to erect and maintain a dam, and such other hydraulic works as may be necessary for the use of mills and other machinery, within the limits of and contiguous to said road, at the place aforesaid: *Provided always*, That no such dam or other fixture shall be so erected without the consent of the president and directors of said turnpike corporation: *And provided further*, That no such mill or other fixture shall be so constructed or placed as to obstruct the free and convenient passage of said road, or affect the right and privileges of any person or persons at or near said place.

CHAP. XXXV.

An ACT to authorise the Supervisors of the county of Steuben to raise Money by Tax for completing the fire-proof Clerk's Office.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Steuben, at their annual meeting on the first Tuesday in October next, to levy and raise by tax on the freeholders and inhabitants of the said county, the sum of five hundred dollars, over and above the expenses of collecting the same, which amount may be drawn from the treasury of said county upon the order of the commissioners appointed in a former act, passed the 20th day of March last, for erecting a fire-proof clerk's office; and the said commissioners shall account to the supervisors in the same manner as directed by the act for erecting the said building.

CHAP. XXXVI.

An ACT empowering the Board of Supervisors in the county of St. Lawrence to raise Nine Hundred Dollars for the purpose therein mentioned.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the board of supervisors for the county of St. Lawrence be and they are hereby empowered, at any annual meeting, to raise the sum of nine hundred dollars by a tax on said county, in the same way and manner as the other taxes are levied and raised for defraying the contingent expenses of said county, and that the same be paid into the treasury of said county, which money shall be drawn out and expended by order or under the direction of the board of supervisors, or such person or persons as they shall appoint, for the purpose of erecting a fire-proof building for an office for the clerk of said county, at such place as they shall think proper in said county; and when such building shall be completed to the acceptance of the judges of the court of common pleas of said county, or a majority of them, the records and papers belonging to the office of the clerk of said county shall thereafter be kept in said office, under the care and direction of the clerk of said county and his successors in office.

CHAP. XXXVII.

An ACT authorising Phineas Bennet to erect a Dam across the Susquehannah river, in the town of Unadilla.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Phineas Bennet and his heirs to erect and maintain a rolling dam across the Susquehannah river, adjoining the farm of Reuben Bennet, in the town of Unadilla, in the county of Otsego, not exceeding thirty inches high from the bottom of the river in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide; and further, it shall be lawful for the said Phineas Bennet, his heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on his said dam not more than one foot wide, to save the water, if he shall think it necessary, which said plank or board may remain so set up until the first day of March next thereafter in each year, and no longer; And provided nevertheless, That no obstructions shall be made to the passage of boats, rafts or arks in common rafting freshet with the same facility as at present; and should it be found expedient at any future time to improve the navigation of said river, the said Phineas Bennet shall permit such improvement to be made by locks or otherwise: And provided also, That if the erection of said dam within the period hereby limited shall be found productive of inconveniences, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Phineas Bennet shall and may be revoked by the court of common pleas of the county wherein said dam is situate: And provided also, That the said Phineas Bennet shall make and keep in repair a good and sufficient lock through his said dam across said river for boats to pass through the said lock, to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and permit boats to pass up and down said race through said lock free of costs, any law, usage or custom to the contrary notwithstanding: Provided always, That this act shall be and remain in force during the term of ten years, and no longer.

CHAP. XXXVIII.

An ACT to divide the town of Thurman in the county of Washington.

Passed February 12, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Thurman, beginning on the east side of the Hudson river, at the northwest corner of the town of Luzerne, thence eastwardly along the north line of the town of Luzerne until it strikes the west line of the town of Caldwell, thence northwardly along the said line to the Schroon river, thence up the said river following the centre

*Town of
Warren-
burgh creat-
ed.*

thereof to the south line of the town of Chester, thence westwardly along the south line of the town of Chester until it strikes the north branch of the Hudson river, thence down the said river to the place of beginning, shall be and is hereby erected into a separate town by the name of Warrenburgh ; and the first town meeting shall be held at the house of Melinda Warren, in said town ; and all the remaining part of the town of Thurman shall be and remain a separate town by the name of Athol ; and the first town meeting shall be held at the house of Stephen Griffin, in said town of Athol.

Town of
Thurman
changed to
that of Athol.

Poor and
poor money.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in May next, the supervisors and overseers of the poor of the said towns of Warrenburgh and Athol, on notice being first given by the said supervisors, shall meet together and divide the poor and money belonging to the town of Thurman previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall thereafter respectively maintain their own poor.

III. *And be it further enacted*, That the annual town meetings in each of the said towns of Warrenburgh and Athol shall be held on the first Tuesday in April in each and every year thereafter.

CHAP XXIX.

An ACT relative to the Albany and Delaware Turnpike.

Passed February 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the directors of the Albany and Delaware turnpike, instead of the toll gate nearest to the city of Albany which they are now authorized to erect by law, to erect an half toll gate on the bridge across the Norman's Kill on the said turnpike, or within one quarter of a mile south thereof ; and that the distances mentioned in the acts relating to the said turnpike shall be computed from the said half toll gate westward.

II. *And be it further enacted*, That the time for finishing the said turnpike shall, as to the first eight miles thereof from the city, be prolonged for the period of seven years from the passing of this act.

CHAP. XL.

An ACT relative to the Flushing and Newtown Bridge and Road Company.

Passed February 17, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the proviso contained in the seventh section of the act, entitled " an act for building a bridge over Flushing creek, and constructing a road and establishing a turnpike between Flushing and Newtown, in the county of Queens," be and the same is hereby repealed.

CHAP. XLI.

An ACT to amend the act for incorporating the second Great Western Turnpike Road Company.

Passed February 17, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the time for completing the second great western turnpike road be and the same is hereby extended until the thirty-first day of December, in the year one thousand eight hundred and fourteen; and that all the powers, rights and privileges heretofore granted to the president, directors and company of the second great western turnpike road be and the same are hereby confirmed.

II. *And be it further enacted,* That whenever the whole extent of the said turnpike road shall be completed, inspected and approved of, in the manner prescribed by law, it shall be lawful for the president and directors of the said company to erect one half toll gate thereon at such place as they shall deem proper, provided such gate shall not be placed within the distance of four miles westerly from the present westernmost gate erected on the said road.

CHAP. XLII.

An ACT concerning the Otsego Free Road.

Passed February 17, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Benjamin Gilbert, William Campbell and Samuel Griffin be and they are hereby appointed commissioners to examine and make such alterations in the road laid out pursuant to the act to which this is an amendment, in all such places in the town of Middlefield, as they or a majority of them shall judge to be for the public good, and their decision in the premises shall be final and conclusive.

II. *And be it further enacted,* That the residue of the act hereby amended shall in all respects apply to the commissioners hereby appointed, and to the road to be altered by them.

CHAP. XLIII.

An ACT for establishing and regulating a Ferry across Lake Champlain, in the town of Champlain.

Passed February 25, 1813.

WHEREAS the legislature did by their act, passed the twenty-seventh day of February, in the year one thousand eight and five, give to David Mayo certain privileges in keeping a ferry across Lake Champlain: And whereas it appears that the said David Mayo has conveyed all his right and title in and to said ferry, to Ezra Thurber: Therefore, Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Ezra Thurber, of the town of Champlain, in the county of E. Thurber allowed to set up a ferry.

Clinton, his heirs and assigns, to set up, keep and maintain a ferry across Lake Champlain, from the landing of said Ezra Thurber, in the town of Champlain, to Windmill point, in the state of Vermont, for and during the term of ten years, commencing on the first day of April next.

Landing place to be erected.

II. *And be it further enacted*, That the said Ezra Thurber, his heirs and assigns, shall erect, or cause to be erected, a convenient dock or landing place on such part of the land of said Ezra Thurber, as shall be most suitable for the purpose, and shall during the time aforesaid, keep, support and maintain a good and sufficient ferry-boat capable of conveying four horses, and such other boats or skiffs as shall be necessary, and ready at all reasonable times and seasons, to transport across said lake persons, goods and chattels.

Ferriage how to be regulated.

III. *And be it further enacted*, That the court of common pleas for the county of Clinton, in their next session after the first day of April next, and as often thereafter as they shall deem necessary, shall order, direct and determine the several rates of said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness.

Penalty for charging more than lawful rate.

IV. *And be it further enacted*, That if the said Ezra Thurber, his heirs or assigns, or any person employed by him or them, shall take, exact or receive any greater or higher rates of ferriage for transporting persons, goods or chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, the person so offending shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be recovered in any court of this state having cognizance thereof, by any person who shall sue for the same.

Penalty for letting up a ferry by others.

V. *And be it further enacted*, That if any person or persons, other than the said Ezra Thurber, his heirs or assigns, shall, after the first day of April next, transport any person or persons, goods or chattels, for hire or pay across the said lake, between the Point Au Fer and the line between this state and the province of Lower-Canada, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof by any person who shall sue for the same: *Provided always*, That nothing herein before contained shall be so construed as to exclude any person or persons from the right of carrying and transporting themselves and their goods and chattels respectively, in their own boats, without paying any rate of ferriage between the limits aforesaid.

Proviso.

An additional boat to be kept if necessary.

VI. *And be it further enacted*, That if at any time hereafter the said court of common pleas shall deem it necessary, the said Ezra Thurber, his heirs or assigns, shall keep at least one good and sufficient boat to pass from near the house of James Rouse, in the town of Champlain, to the town of Alburgh, in the state of Vermont, near the province line, under such regulations as the said court shall from time to time establish.

Penalty for neglect of duty.

VII. *And be it further enacted*, That if it shall appear upon sufficient evidence to the said court of common pleas for the county of Clinton, that the said Ezra Thurber, his heirs or assigns, shall wilfully neglect to comply with the true intent and meaning of this act in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge that all the privileges

granted to him under this act shall cease and be of no effect :

VII. *Provided nevertheless, and it is hereby declared and enacted*, That nothing in this act contained shall be construed or deemed to impair or affect the rights of David Mayo or his assigns, granted or secured in and by the above mentioned act.

CHAP. XLIV.

An ACT to amend an act entitled "an act to incorporate the Union Cotton Manufactory.

Passed February 25, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the exercise of all the rights and privileges secured to the company by the act to which this is an amendment, in the town of Hartwick, be extended to and enjoyed by said company in the town of Otsego.

II. *And be it further enacted*, That the said company may at any time increase their capital stock to any amount they may deem necessary, not exceeding in the whole, five hundred thousand dollars.

CHAP. XLV.

An ACT further to amend the act entitled "an act for incorporating the Union Bridge Company.

Passed March 5, 1813.

WHEREAS the president and directors of the Union Bridge company, have by their petition represented, that the wood work of said bridge is so materially decayed as to require re-building for the safety and convenience of the public, and that they have no funds for that purpose, their whole capital stock having been expended in building said bridge ; and it appearing that the profits of the stockholders arising from the toll collected at said bridge has not been a reasonable compensation for the money expended in erecting the same : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the present shares in the stock of the company shall be eighty dollars each instead of fifty dollars ; and that it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively the additional thirty dollars on each share, at such time, and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said president, directors and company, they giving at least sixty days notice of every such requisition in one of the public newspapers printed in the county of Rensselaer.

II. *And be it further enacted*, That in case any of the said shares shall be so forfeited, the said president and directors shall sell the same at public vendue to the highest bidder, subject to the instalments that may thereafter be required thereon, they previously giving sixty days notice of the time and place of such sale in one of the newspapers printed in said county, and that af-

ter deducting from such sale the expenses thereof and the amount of the call on the stock, the said president and directors shall pay over the balance to the person or persons who forfeited such share or shares.

Certain
tolls may be
taken.

III. *And be it further enacted,* That it shall be lawful for the said president and directors to demand and receive from persons passing the gate erected on said bridge the following toll in the cases hereafter mentioned, to wit : for every one horse cart, waggon, sleigh or sled, twelve and an half cents ; every horse, jack or mule, five cents ; every sheep or hog, one cent.

Parts of
former acts
repealed.

IV. *And be it further enacted,* That the tenth section of the original act incorporating said company, and the proviso to the ninth section of the same act, also the third section and the proviso to the second section of the act amending the said act of incorporation be and the same are hereby repealed.

When the
bridge is im-
passable, a
ferry shall be
kept.

V. *And be it further enacted,* That whenever the said bridge shall be impassable for travellers by reason of the company repairing the same or rebuilding an arch thereof, it shall be lawful for the said president and directors to establish a ferry across the river at or near said bridge, and make use of the necessary boats for that purpose, and demand and receive ferriage like in amount to the rates of toll for crossing said bridge : *Provided,* The said ferry shall not be kept longer than one year, and not interfere with any private rights.

Penalty for
crossing by
horser, &c.
faster than on
a walk.

VI. *And be it further enacted,* That it shall be the duty of the directors to keep a notice posted up or written in large characters on each end of the said bridge, in the most conspicuous part thereof, in the following words, to wit : " one dollar penalty for passing this bridge faster than on a walk by any person or persons riding or driving any horse or carriage."

Corporation
to exist till
compensated
for all mon-
ies expend-
ed.

VII. *And be it further enacted,* That the president and directors of the Union bridge company aforesaid, shall and may continue to exist and be a body politic or corporate until the income arising from the toll collected by said corporation shall have fully compensated the company for all monies they shall have expended in erecting, repairing, rebuilding and taking care of said bridge, together with an interest of fourteen per centum per annum, any thing in the said act of incorporation to the contrary notwithstanding.

Accounts
of expenses,
&c. to be
rendered to
the comp-
troller annu-
ally.

VIII. *And be it further enacted,* That the said president and directors shall, within sixty days after the passing of this act, lodge in the comptroller's office of this state an account of the expense of said bridge and of the toll collected at the same, and shall also thereafter annually exhibit to the comptroller a true account of the income arising from said toll, with the annual disbursements of the company.

CHAP. XLVI.

An ACT relative to the President and Directors of the Greenfield Turnpike Company.

Passed March 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for finishing the

said turnpike road be prolonged for the period of two years from the passing of this act.

CHAP. XLVII.

An ACT concerning the Rensselaer Woollen and Cotton Manufacturing Company.

Passed March 5, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That at all future elections for directors of the Rensselaer woollen and cotton manufacturing company, each share in the stock of the said company shall be entitled to one vote, any law to the contrary notwithstanding; and that whenever the directors shall judge it necessary and most for the interest of the said company, they are hereby authorised to increase the capital stock of said company to any number of shares not exceeding one thousand at fifty dollars each, to be disposed of in such manner as the directors shall deem most proper.

Each share entitled to one vote.

II. *And be it further enacted,* That all articles of machinery, materials for manufacture or manufactured articles belonging to the said company, shall be free from seizure or distress for any debt or claim for rent or service, except such claim be against the said company in whose hands soever the same may be.

In what case certain articles to be free from seizure.

III. *And be it further enacted,* That the directors of the Rensselaer woollen and cotton manufacturing company shall have power to make and prescribe such regulations as they may deem proper, within their own limits, for the better preservation of the property from fire, and shall have all the powers relating to fire-engines and firemen within the said limits which are given by the act entitled "an act to amend an act entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie;" and that the firemen formed in a company or companies by them shall not exceed the number of twenty persons, who shall have the same privileges that are given by the act hereby amended; and that the certificate of the directors, or their authorised agent, under the seal of the said company, shall be evidence of the appointment of firemen in all cases.

Regulations may be made to prevent fires.

CHAP. XLVIII.

An ACT for the Relief of James Furman.

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office are hereby authorised and directed to cause to be granted and issued letters patent to James Furman, conveying and granting to him, in fee, such lot or lots of the land purchased by the people of this state from the christian party of the Oneida Indians, as the commissioners of the land-office may

deem proper, not exceeding in the whole two hundred acres, he the said James Furman paying therefor at and after the rate at which the said lot or lots have been or shall be appraised by the surveyor-general of this state, one eighth part of the said consideration money to the treasurer of this state before granting the said letters patent, and within six months after the passing of this act, and executing his bond and mortgage on the said lands to the comptroller of this state or to the people thereof, for the residue of the said consideration money, payable in eight equal annual instalments, with interest at the rate of six per centum annually: *Provided always*, That no part of the tract of about four hundred acres of the last purchase of the christian party of the Oneida Indians and adjoining the lands belonging to the pagan party, shall be granted as aforesaid.

CHAP. XLIX.

An ACT extending to Samuel Sidney Breese the privilege of erecting a Dam across the Skenando creek, in Oneida county.

Passed March 12, 1813.

WHEREAS Samuel Sidney Breese owns a lot of land on the Skenando creek, in the county of Oneida; and whereas the christian part of the Oneida Indians own and are in possession of the land on the opposite bank, and he the said Samuel Sidney Breese being desirous of erecting factories on his said lands: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said Samuel Sidney Breese, his heirs or assigns, shall and may have the privilege of erecting a dam across said creek at such place as he may see proper, by and with the approbation of a majority of the christian part of the Oneida Indians, but not otherwise.

II. *And be it further enacted*, That when the state shall purchase said land of the said Indians, the said Samuel Sidney Breese, his heirs or assigns, shall and may have the right of purchasing the land necessary for the purposes aforesaid, not exceeding ten acres, he paying therefor such price as the surveyor-general may require of him when he sells other land in the same neighborhood, considering the land so used for the purposes aforesaid as in an unimproved state.

CHAP. L.

An ACT to divide the County of Washington, and for other purposes.

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all that part of the county of Washington lying west of a line beginning at the southeast corner of the town of Queensbury, in said county; thence north along the said east line of Queensbury to the wa-

County of
Warren
erected.

ters of Lake George, thence northerly along the west line of the towns of Fort Ann and Putnam to the south line of the county of Essex, shall be and is hereby erected into a separate county by the name of Warren.

II. *And be it further enacted*, That there shall be holden in and for the said county of Warren a court of common pleas and general sessions of the peace, and that there shall be three terms of the said courts in the said county in every year, to commence as follows: the first term of the said court of common pleas and general sessions of the peace shall be holden on the second Tuesday of September next, and may continue until the Saturday following inclusive; and the second term of the said court shall commence on the third Tuesday of January next, and may continue to be holden until the Saturday following inclusive; and the third term of the said courts shall commence on the second Tuesday of May thereafter, and may continue to be holden until the Saturday following inclusive; and the said courts of common pleas and general sessions of the peace shall have the like jurisdiction, power and authority in the said county of Warren as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided*, That all suits now pending in the court of common pleas and general sessions of the peace in the county of Washington, may be prosecuted to trial, judgment and execution as if this act had not passed.

Courts when
to be held.

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace shall be holden in and for the said county of Warren, at the Lake George coffee house, in the town of Caldwell, until further provision shall be made by law.

Courts where
to be held.

IV. *And be it further enacted*, That it shall and may be lawful for all courts and officers of the said county of Warren, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Washington until such time as they may have a gaol built and finished fit to receive such prisoners and criminals in the said county of Warren.

Prisoners
where to be
confined.

V. *And be it further enacted*, That it shall not be the duty of the justices of the supreme court to hold a circuit once in every year in the said county of Warren, unless in their judgment they shall deem it necessary, any thing in the act entitled "an act for regulating trials of issues and returning able and sufficient jurors," to the contrary notwithstanding.

Circuits
how to be
regulated.

VI. *And be it further enacted*, That the said counties of Washington and Warren shall continue to elect five members of assembly until the legislature shall otherwise direct; and the inspectors of elections in the several towns in the county of Warren shall return the votes taken at any election for governor, senators and members of assembly, and representatives in congress, to the clerk of the county of Washington, to be by him estimated and returned as if this act had not been passed.

Members
of assembly
how to be
chosen.

VII. *And be it further enacted*, That the said county of Warren shall be considered as part of the eastern district of this state, and also a part of the twelfth congressional district.

An ACT to incorporate the Lake Champlain Steam-Boat Company.

Passed March 12, 1813.

Preamble.

WHEREAS Abraham G. Lansing, Jellis Winne, junior, Isaiah Townsend and Gerrit Y. Lansing, in behalf of themselves and their associates, members of the late Albany steam-boat company, have, by their petition represented to the legislature that they have become entitled by assignment from Robert R. Livingston and Robert Fulton, to the exclusive right of navigating steam-boats on the waters of Lake Champlain, for all the terms granted to them by several acts of the legislature of this state, and the several patents issued under the laws of the United States to the said Robert R. Livingston and Robert Fulton and John Stevens, as by the said assignment duly recorded in the office of the secretary of this state, doth fully appear, and have signified their intention of building one or more steam-boats, to be navigated on said lake, as soon as the situation of public affairs will admit thereof, and have prayed to be incorporated, to enable them more effectually and with greater facility to manage and conduct the affairs and concerns of said company ; and it appearing reasonable that the prayer of said petition should be granted : Therefore,

A. G. Lansing and others incorporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said Abraham G. Lansing, Jellis Winne, junior, Isaiah Townsend and Gerrit Y. Lansing, and such persons as have or shall be associated with them for the purpose of navigating steam-boats on the waters of Lake Champlain, and their successors and assigns, until the eleventh day of April, which will be in the year of our Lord one thousand eight hundred and thirty-eight, be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Lake Champlain Steam-Boat Company ;" and by that name they and their successors, until the said eleventh day of April, one thousand eight hundred and thirty-eight, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and that they and their successors, by the name of "The Lake Champlain Steam-Boat Company," shall in law be capable of purchasing and holding any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation.

Stock.

II. *And be it further enacted,* That the capital stock of the said company shall not exceed one hundred thousand dollars, to be divided into five hundred and forty equal shares ; that the persons now holding shares in the said company shall be entitled to subscribe at and after the rate of eighteen shares of the stock created under this act, for one share (or as near as may be in the same proportion for any part of a share) which he or

they may hold at the time of passing this act, on each of which said new shares there shall be deemed to have been paid the sum of one hundred dollars, and each such new share shall be subject to the further call of eighty-five dollars, eighteen and a half cents; that the stock of the said company shall be deemed personal estate, and that nothing herein contained shall authorise or empower the said company to carry on banking business, or to use or employ their funds or any part thereof, or to permit the same to be used or employed in the purchase of stock of any bank in the United States, or any other public stock, for any purpose or in any manner whatsoever, not herein expressly authorised.

III. *And be it further enacted,* That for the better carrying into execution the objects of the said company, there shall be five directors, who shall hold their office for one year from the passing of this act, or until others shall be elected in their stead; that the first directors shall be Abraham G. Lansing, Jellis Winne, junior, Isaiah Townsend, Gerrit Y. Lansing and Joseph Alexander, out of which number the said directors at their first meeting shall appoint their president; that the elections for directors be held at the city of Albany, at such times and in such manner as shall be designated by the by-laws of the said company, and that public notice of the time and place of holding said election be given in one of the public papers printed in the said city, at least ten days previous thereto, at which election each stockholder shall be entitled to one vote for every share he may hold in the stock of the said company; and it shall be lawful for the directors of the said company to call and demand of the stockholders respectively, all such sums of money on the shares which they may respectively hold, to the amount of eighty-five dollars eighteen and a half cents on each share, at such times and in such proportions as the said directors shall deem proper, under pain of forfeiture of their shares and of all the previous payments thereon to the said company, always however giving at least thirty days previous notice of such call and demand in one of the public newspapers printed in the city of Albany.

Directors.

Elections
how conduct-
ed.

IV. *And be it further enacted,* That a majority of the directors for the time being shall form a board or quorum for transacting all the affairs and business of the said company, and shall have power to make and prescribe such by-laws and regulations, (not repugnant to the constitution or laws of the United States or of this state) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, the duties, conduct and compensation of the masters, commanders, engineers, mariners, servants, and workmen employed by the said company, and all such other matters as shall appertain to the concerns of the said company.

Majority of
directors to
make by-
laws.

V. *And be it further enacted,* That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the directors for that purpose.

Transfer
how made.

VI. *And be it further enacted,* That this act shall be to all intents and purposes considered as a public act, and be construed

This a pub-
lic act.

and considered in all courts and places, benignly and favorably, for every beneficial purpose therein mentioned and contained.

CHAP. LII.

An ACT supplementary to the act entitled "an act for the Establishment of Common Schools."

Passed March 12, 1813.

WHEREAS the provisions contained in the act for the establishment of common schools do not extend to the city and county of New-York : Therefore,

City of N. York entitled to a proportion of the school fund.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That out of the school money which shall from time to time be distributed amongst the several counties of this state, the city and county of New-York shall be entitled to its proportion according to the population thereof, as the same shall from time to time be ascertained by the latest census of the United States, and which said proportion shall be paid to the chamberlain of the said city of New-York in the same manner and at the same times as the proportions of the several other counties are directed to be paid in and by the act for the establishment of common schools ; and it shall be the duty of the said chamberlain to receive and hold the same, subject to the orders of the commissioners of the school money herein after mentioned.

An additional sum to be raised by tax in said city.

II. *And be it further enacted,* That whenever the clerk of the city and county of New-York shall receive the notice which the superintendent of common schools is by the fifth section of the said act required to give to the several county clerks, he shall lay the same before the mayor, recorder and aldermen of the said city at their next meeting thereafter ; and the said mayor, recorder and aldermen are hereby authorised, empowered and required to raise and collect by tax on the inhabitants of the said city, a sum equal to the amount which shall be apportioned to said city and county, in the same manner as in and by the fifth section of the said act the board of supervisors within the several counties of this state is directed and empowered to do ; and the collector or collectors, in his or their respective warrants, shall be directed to pay the same, when collected, to the chamberlain, reserving his or their fees, and take a receipt therefor, which receipt shall be a sufficient voucher of having paid the same as aforesaid.

Common council to appoint school commissioners.

III. *And be it further enacted,* That the mayor, aldermen and commonality of the city of New-York, in common council convened, shall appoint five of the inhabitants of the said city commissioners of school money, who, before they enter upon the duties of their office, shall respectively take an oath or affirmation, diligently and faithfully to execute their trust, which said commissioners shall hold their office for the term of one year, unless sooner vacated by death or removal out of the said city, and shall be liable to the penalties mentioned in the tenth section of the said act, for refusal or neglect of duty.

IV. *And be it further enacted,* That the commissioners

aforesaid shall receive from the chamberlain of the said city of New-York, the money which shall from time to time be apportioned and paid to the city and county, together with such monies as shall be raised by the mayor, recorder and aldermen as herein before directed, and which the said chamberlain is hereby authorised and required to pay to the said commissioners ; and the said commissioners shall, on or before the first day of May in each year, distribute and pay the said monies so received from the said chamberlain, to the trustees of the free school society in the said city of New-York, and the trustees or treasurers of the orphan's asylum society, the society of the economical school in the city of New-York, the African free school, and of such incorporated religious societies in said city as now support or hereafter shall establish charity schools within the said city, who may apply for the same ; and such distribution shall be made to each school in proportion to the average number of children between the ages of four and fifteen years, taught therein the year preceding such distribution, free of expense : *Provided*, That no money shall be distributed by the commissioners aforesaid to the trustees of such free school, or of such charity schools, as shall not have been kept for the term of at least nine months during the year preceding such distribution as aforesaid.

Their duty in distributing the money.

Provido.

V. *And be it further enacted*, That the trustees or treasurers of the aforesaid societies in the said city as support charity schools therein, shall respectively, on or before the first day of May in each year, certify under their respective corporate seals, to the commissioners aforesaid, the whole number of children between the ages of four and fifteen years who shall have been taught in their respective schools, free of expense, during the preceding year, specifying the number of regular scholars therein at the end of each quarter in such year, and the time during which their respective schools shall have been regularly kept for such preceding year ; and after the first distribution of school money shall have been made, the trustees or treasurers aforesaid shall respectively certify in manner aforesaid the amount of money which they shall have received from the said commissioners during the preceding year, and the manner in which the same shall have been expended, whereupon the commissioners aforesaid shall make report to the clerk of the city and county of New-York, who shall transmit the same to the superintendent of common schools in the manner directed by the seventeenth section of the act for the establishment of common schools.

Returns to be made to the commissioners of the number of children from 4 to 15 years.

VI. *And be it further enacted*, That the sums of money which the respective trustees or treasurers aforesaid shall from time to time receive from the commissioners aforesaid, shall be applied by them to the payment of the wages of the teachers to be employed by them respectively and to no other purposes whatever.

Monies how to be applied.

VII. *And be it further enacted*, That the trustees or treasurers of the aforesaid societies in the said city as now or hereafter may support charity schools therein as aforesaid, shall be inspectors of the schools in their respective societies, and shall possess the like powers and perform the like duties relating to

School inspectors.

their respective schools as the inspectors of schools are authorised and empowered to do in and by the sixth section of the act for the establishment of common schools.

CHAP. LIII.

An ACT authorising the Treasurer of the county of Tioga to pay certain Monies therein mentioned, and for other purposes.

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall be lawful for the treasurer of the county of Tioga, and he is hereby directed to pay to Andrew Purdy, or his legal representatives, the lawful interest on the sum due him for building the court house and gaol in said county, from the first day of May last until the same shall be paid; the amount of which shall be levied, collected and paid in the same manner as other contingent charges of said county.

II. *And be it further enacted,* That the eighth and ninth sections of the act entitled "an act to divide the county of Tioga into jury districts, and for other purposes," passed the eighth day of June, in the year one thousand eight hundred and twelve, be and the same is hereby repealed; and that the fifth, sixth and last sections of an act entitled "an act to appoint commissioners to fix the site for the court house and gaol in the county of Tioga, and for other purposes," passed the seventeenth day of February, in the year one thousand eight hundred and ten, be and the same are hereby revived: *Provided,* That the clerk's office of the said county shall be removed and kept within two miles of the new court house, in the town of Spencer, at some convenient place, from and after the first day of May next.

CHAP. LIV.

An ACT amending the act relative to District Attornies, passed April 4th, 1801.

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the counties of Seneca, Ontario, Genesee, Niagara and Chautauque, be and hereby are erected into a separate district; and the counties of Westchester, Rockland, and Putnam, be and hereby are erected into a separate district, as to all proceedings under the act entitled "an act relative to district attornies," passed April 4th, 1801, and the acts amending the same and relating thereto; and it shall be the duty of the person administering the government of this state, by and with the advice of the council of appointment, to appoint and commission some proper persons qualified according to the said recited acts, to the office of district attorney in each of the said districts, who shall be subject to the same duties and have the like powers, and be entitled to the like compensation

as is provided by law for the district attorneys of the other districts respectively: *Provided*, That nothing in this act contained shall be deemed to alter any of the districts heretofore established by law, other than as respects the counties by this act provided for.

CHAP. LV.

An ACT to amend an act entitled "an act to incorporate the Fort Miller Bridge Company."

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the Fort Miller bridge company to build a new bridge over the Hudson river, at any place within forty rods of the site of the present bridge, which said bridge shall be at least twenty feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good substantial railing, and so constructed that at least one opening under said bridge of not less than sixty feet between the piers, shall be left for the passage of rafts. A new bridge may be built.

II. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the courts of common pleas for the counties of Saratoga and Washington, not interested therein, or any two of them, shall upon inspection certify under their hands, that the said bridge is well and sufficiently completed, and will admit the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at the end of the said bridge, and demand and take for the use of the said corporation from every person who shall pass the said bridge, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by four horses, forty cents, if drawn by two horses, thirty cents; every curricule, chaise, chair or sulkey drawn by one horse, eighteen cents, if drawn by two horses, twenty-five cents, every additional horse, six cents; every waggon and two horses, twenty-five cents, and six cents for every additional horse; every sled or sleigh drawn by two horses, twelve and an half cents, and six cents for every additional horse; every ox waggon or cart drawn by two oxen, twenty-five cents, and each additional yoke of oxen, twelve and an half cents; every one horse cart, waggon, sleigh or sled, twelve and an half cents; every man and horse, nine cents; every foot passenger, two cents; every horse, jack or mule, four cents; every cow or other neat cattle, three cents; every sheep or hog, one cent. Rates of toll

III. *And be it further enacted*, That the said president and directors, their agents, artists, or other persons employed by them, may enter on and take possession of the lands on each side of the said river where the said president and directors shall determine to build said bridge; and in case such lands shall not be part of a public highway, the said corporation shall pay the owners thereof, on receiving a conveyance of the said land, the

Lands on each side of the river may be entered upon.

value of so much of the same, as may be necessary for making the said bridge, and erecting and establishing the gate, toll house, and all other works to the said bridge belonging; and in case of disagreement between the parties as to the value of the lands, the same shall and may be ascertained and determined in the manner directed by the fifth section of the act hereby amended.

Penalty for crossing the bridge faster than a walk.

IV. *And be it further enacted*, That if any person shall pass the said bridge so to be erected, or the bridge now built, with a horse, or with a horse or horses and carriage, faster than on a walk, the person or persons offending shall forfeit and pay to the treasurer of the said corporation, for the time being, for the use of the said company; the sum of one dollar, to be recovered in an action of trespass, in any court having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

Notice thereof to be put up.

V. *And be it further enacted*, That it shall be the duty of the directors to keep a notice posted up or written in large characters on each end of the said bridge, in the most conspicuous part thereof, in the following words, to wit: one dollar penalty for passing this bridge faster than on a walk by any person or persons riding or driving any horse or carriage.

Toll to be taken till the new bridge is erected.

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors to demand and take, for the use of the said corporation for passing the bridge now erected and until a new bridge shall be completed as aforesaid, the same rates of toll which by this act are allowed to be demanded and taken for passing the said new bridge.

When the bridge is impassable, a ferry may be kept.

VII. *And be it further enacted*, That whenever the said bridge shall be impassable for travellers, by reason of the company repairing the same, or rebuilding an arch thereof, it shall be lawful for the said president and directors to establish a ferry across the river, at or near said bridge, and make use of the necessary boats for that purpose, and demand and receive ferriage like in amount to the rates of toll for crossing said bridge: *Provided* the said ferry shall not be kept longer than one year, and not interfere with any private rights.

Part of former act repealed.

VIII. *And be it further enacted*, That so much of the said act hereby amended as relates to the rates of toll to be received by the said president and directors, and the proviso contained in the eighth section of said act, be and the same are hereby repealed.

CHAP. LVI.

An ACT to repeal the sixth section of the act entitled "an act to incorporate the American Insurance Company of New-York."

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the sixth section of the act entitled "an act to incorporate the American Insurance Company of New-York," be and the same is hereby repealed.

CHAP. LVII.

An ACT to vest certain Powers and Privileges in the Freeholders and Inhabitants of the Village of Manlius.

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all that part of the town of Manlius, in the county of Onondaga, contained in the following bounds, to wit : beginning in the Seneca turnpike road, half a mile easterly of the southwest corner of lot number eighty-seven in said town, thence running south half a mile, thence westerly, running parallel with the said Seneca turnpike one mile, thence north one mile, thence easterly running parallel with said turnpike one mile, thence south to the place of beginning, shall be known and distinguished by the name of the Village of Manlius ; and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may, on the first Tuesday in May, meet at some proper place within the said village, to be appointed by any justice or justices of the peace residing within the said town of Manlius, a notice whereof shall be put up in at least three public places within said village ten days previous to said first Tuesday of May next, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights hereinafter specified ; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes duly elected trustees ; and on every first Tuesday of May after the election of trustees, there shall in like manner be a new election of trustees for said village, and the trustees for the time shall perform the duties required from the said justice or justices in respect to notifying the meeting of the freeholders and inhabitants of said village and presiding at such election.

Bounds of the village.

Five trustees to be elected

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the said limits, be, and they are hereby ordained, constituted and declared to be, from time to time and for ever hereafter, a body politic and corporate, in name and in fact, by the name and style of " The Trustees of the Village of Manlius," and by that name they and their successors for ever shall and may have perpetual succession, and be persons in law capable of suing and being sued, and defending and being defended in all courts and places whatsoever and in all manner of actions, causes and complaints whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal, for the public use of said village, and of erecting any buildings, aqueducts and digging any reservoirs for water for the use of said village, and keeping in repair such buildings, aqueducts and reservoirs, of purchasing and keeping in repair fire engines, ladders, buckets and other instruments for extinguishing fire, improving the streets, erecting hay scales, and of making any other regulations for preventing and extinguishing fires, preventing and removing nuisances, and relating to the price of bread in said village, that the said trustees may from time to

Their style and powers.

time deem necessary; and of raising a sum by tax, not exceeding three hundred dollars in any one year, for the purposes aforesaid: *Provided*, That no tax shall be levied or money raised, assessed or collected for the purposes aforesaid, and no purchase or sale of any real estate be made, and no building or reservoir made or disposed of without the consent of the freeholders of said village, or the major part of them, at the annual meeting for the election of trustees first obtained.

They may
make by-
laws.

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a major part of them and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and for the benefit of said village, relating to the objects mentioned in the foregoing section, and not inconsistent with the laws of this state or the United States; and it shall further be lawful for the said trustees to ordain, constitute and publish such fines and forfeitures for the breaking of any such by-laws, rules and regulations as they may think expedient: *Provided nevertheless*, That no forfeiture or fine shall be inflicted over and above the sum of ten dollars for any one offence against such by-laws.

Elect a treasurer and collector.

IV. *And be it further enacted*, That the freeholders and inhabitants of said village, qualified to vote for the trustees as aforesaid, at their annual meeting, shall, and they are hereby authorized and empowered to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively, shall be deemed duly chosen; and in case a vacancy shall happen in either of the above offices by death, removal from said village or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply said vacancy until the next annual meeting, and the person so appointed shall be liable to the same penalties and restrictions as if duly elected at the annual meeting.

Officers shall
take an oath.

V. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election respectively, take and subscribe an oath or affirmation before any justice of the peace of the county of Onondaga, for the faithful execution of the office or trust to which they may be severally elected: *Provided nevertheless*, That the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively give security to the trustees of said village for the faithful discharge of their respective offices, in such sum as a majority of them shall deem sufficient.

Provide.

Firemen
may be ap-
pointed.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen out of the inhabitants of said village, and the same or any one of them to remove at their pleasure and to appoint others in their stead, to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such by-laws, rules and regulations for the government of such company, and inflict, ordain and establish such penalties for the breaking or disobeying of such by-laws, rules and regulations

as they may deem expedient: *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fine or penalty whenever a majority of them shall deem it proper.

VII. *And be it further enacted*, That it shall be the duty of the said trustees and their successors, annually to assess on the several inhabitants and freeholders living in said village, the amount of the taxes which the freeholders and inhabitants of said village shall, at their annual meeting determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax; and they shall likewise execute the office of fire-wardens of said village in cases of fire: *Provided*, That if any person shall deem him or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the county of Onondaga, giving notice to the said trustees of such appeal and of the time and place for determining thereof by such justices, who shall hear the same, and do therein what to justice shall appertain.

Assessments may be made.

Proviso.

VIII. *And be it further enacted*, That the trustees within twenty days after their election, or a major part of them, shall and it is hereby made their duty to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, and some other suitable person to be clerk to said board of trustees; and it shall be the duty of the president when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may conceive it for the interest of said village, to hear and receive complaints of the breach of any of the laws of said corporation, to see that all the by-laws, rules and regulations of said village are enforced and faithfully executed, to prosecute in the name of the trustees all offenders against or violators of the by-laws ordained and published as aforesaid, to keep the seal of the said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper, and in case of the death, removal or inability of the president to discharge the duties of the office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall within ten days thereafter, meet and elect another president out of their body, to hold the office until the next annual meeting; and it shall further be the duty of the president to take care of, protect and preserve all property belonging to said village as a corporation, to preside over all public meetings of the villagers for the above purposes, and to do all such other acts and things as may be proper for the president of the trustees to do; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations as are made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees and record all the by-laws, rules and regulations passed by

President and clerk to be chosen.

Duty of the President.

Duty of the clerk.

them; and the trustees shall have the power to remove such clerk and appoint another, and to appoint one pro tempore in case of the absence of the clerk, as a majority of them shall agree: and the clerk shall receive such compensation for his services as a majority of the trustees shall deem sufficient, to be paid out of the funds of said village.

Collector's
duty.

IX. *And be it further enacted*, That the collector shall, within such time as shall be hereafter limited by the by-laws of said corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that such collector shall have and exercise the same power in the collecting of said taxes, by distress and sale, as the several collectors of towns have in the levying and collecting of taxes; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a majority of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village, or agreeably to the provisions of this act.

Accounts
how to be
rendered.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and the treasurer and collector shall be entitled to receive for their several services such suitable compensation as the legal voters of said corporation or a majority of them, at their annual meeting shall deem proper.

Penalty for
refusing to
serve when
elected.

XI. *And be it further enacted*, That if any one of the inhabitants of said village qualified as aforesaid, shall hereafter be elected or chosen a trustee and shall refuse or neglect to serve as such, it shall and may be lawful for the trustees duly qualified or the major part of them, to impose and inflict upon such persons so neglecting or refusing such reasonable fine or fines as they may think proper: *Provided*, That such fine for any one offence shall not exceed the sum of ten dollars, to be recovered in the same manner that other fines and penalties are recoverable by this act; and that in all cases where the trustees of the village of Manlius shall sue or prosecute by virtue of this act, it shall be sufficient for the said trustees to declare generally, that the defendant is indebted to them by virtue of this act, to the amount of twenty-five dollars or under, and give any special matter in evidence under such declaration.

Proviso.

Notice of
meetings to
be given.

XII. *And be it further enacted*, That it shall be the duty of the president of the board of trustees, to give notice to the inhabitants of said village of all public meetings, at least one week previous thereto, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Fines, &c. to
be paid to the
treasurer.

XIII. *And be it further enacted*, That all fines, penalties or forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the public use of said village; and the treasurer shall, and he is hereby authorised, in case any person having so received any money by virtue of this act, to and for the proper

use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village, for monies had and received to and for the use of said village.

XV. *And be it further enacted*, That it shall be lawful for the legislature at any time to repeal or amend this act.

This act may
be repealed
or amended.

CHAP. LVIII.

An ACT to amend an act entitled "an act to vest certain Powers in the Freeholders and Inhabitants of the Village of Herkimer."

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the freeholders and inhabitants of said village, at their annual meetings, and at such other times in the year as the trustees mentioned in said act, or a majority of them, may think necessary, to advertise for the purpose, at least one week before such meeting, shall be and hereby are authorised and empowered in addition to the powers to them granted by the act hereby amended, to make, ordain, constitute and establish such prudential rules, orders and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and convenient, relative to the preventing and removing of nuisances in any and all parts of said village, to the prevention of fires, of the exploding of gun powder and the discharging of fire arms within the same (excepting by militia or regular troops when embodied or under the command of their proper officers) relative to the running of horses in the streets or public highways, and to the going or running at large of horses and cattle in said village, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants having a right to vote, so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be sued for and recovered in the same manner as in and by the act hereby amended the penalties for offences under the said act are to be sued for and recovered.

II. *And be it further enacted*, That it shall and may be lawful for the trustees of said village to increase the number of firemen, provided for by the act hereby amended, to any number not exceeding twenty in the whole.

CHAP. LIX.

An ACT for the Relief of the Heirs of the late George Clinton, Esquire, deceased.

Passed March 12, 1813.

WHEREAS George W. Clinton, Matthias B. Talmadge and Preamble.
Elizabeth his wife, Stephen D. Beekman and Maria his wife,
and George Clinton Genet, Henry James Genet, Maria Louisa

Genet, Charles Alexander Genet, and Cornelia Tappen Genet, infants, by Edmund C. Genet their father and guardian, have by their petition represented, that the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, George Clinton Genet, Henry James Genet, Maria Louisa, Charles Alexander and Cornelia Tappen Genet, are the heirs at law and next of kin of the late George Clinton, esquire, who died intestate as far as the said petitioners have been able to discover, and possessed of a large estate, both real and personal :

That the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, George Clinton Genet, Henry James, Maria Louisa, Charles Alexander and Cornelia Tappen Genet, are the heirs at law and next of kin of the late George Clinton, esquire, who died intestate as far as the said petitioners have been able to discover, and seised and possessed of a large estate, both real and personal.

That the said George Clinton was jointly with the late John M'Kesson, esquire, in his life time, seised of several lots and parcels of land, situate in the patent of Kayaderosseras, and in the counties of Washington, Montgomery and Saratoga, in this state, in trust for themselves and for Peter Tappen and Christopher Tappen, and that after the death of the said John the said George was seised of the said lots and parcels of land in trust for himself, the said Peter and Christopher, and for James M'Kesson, Alexander M'Kesson, William M'Kesson and Patrick Reid, as more fully appears by a deed poll declaratory of the said trusts, executed by the said George Clinton, and bearing date the nineteenth day of October, one thousand eight hundred and one ; and that the said George Clinton and John M'Kesson in some instances, and the said George Clinton in other instances, for the benefit of all the interested persons made divers conveyances or contracts for the sale of particular parts of the said lands, of which lands, at the time of the death of the said George Clinton, some were sold and paid for by the purchasers, but not conveyed to them, some were indeed sold and conveyed, and mortgages taken for part of the purchase money, but the deeds and conveyances are defective and useless, in as much as they do not properly describe and locate the premises intended to be conveyed, and on other lots which were duly sold, conveyed and mortgaged, the principal and interest due at the time of the death of the said George exceeded what the lands would now sell for, and no remedy can be had on the bonds in consequence of the removal or flight of the obligors, so that it is become necessary for the interest of the parties concerned, to foreclose and buy in the equity of redemption and resell the said lots for their benefit, more particularly as in some of those cases, the premises are now possessed by persons claiming to hold adversely, and not under any title from the said George Clinton or John M'Kesson ; and in one case of property mortgaged for part of the purchase money, the said George Clinton sold the property so mortgaged, under a power contained in the said mortgage, and caused the premises to be bought in by Anthony Lamb, esquire, for the benefit of himself and the other parties concerned in the said lots or parcels of lands, but died without executing a deed of

the said premises to the said Anthony Lamb, who after the purchase made by him as aforesaid, contracted on behalf of the said George Clinton for the sale of the said premises, and received part of the consideration money, but is, on account of the matters herein before set forth, unable to execute a legal conveyance pursuant to the said contract.

That others of the said lots were duly sold and conveyed, but the premises were mislocated by the surveyor of the grantors, who encroached in a line of several miles about twelve rods on a neighboring range of farms, leaving out a like quantity on the opposite side. That the purchasers after an expensive controversy lost the twelve rods on one side without being able to recover to their proper bounds on the other side, the lands being held adversely for many years ; and there are other difficulties arising and likely to arise from erroneous surveying ; all of which will require to be adjusted with the respective purchasers :

That controversies arose during the life time of the said George Clinton between him acting for himself and the other parties interested as herein before set forth, on the one part, and the heirs of William Smith, late chief justice of Lower Canada, of the other part, respecting several of the said lots, in which the heirs of the said William Smith claim an undivided moiety, some of which lots have been sold and conveyed by the said George Clinton, or by him and the said John M'Kesson, and the considerations paid or mortgages taken for them ; that the said George Clinton and the heirs of William Smith agreed to refer the decision of the said claim to arbitrators, and that if the said claim was found to be valid, the remaining unsold lots should be sold, and the proceeds of the whole divided accordingly, the heirs of the said William Smith executing releases to quiet the possession of those holding under the said George Clinton, and he the said George joining with the heirs of the said William Smith in the conveyance of the remaining unsold lots ; but that a decision on this claim was postponed until some title deeds could be brought from Quebec, and remain yet to be adjusted.

That the said George Clinton had before his death entered into contracts and made agreements with different persons for the sale of real property of which he was seised in his own right, but had omitted or neglected to execute legal conveyances conformably to such contracts ; and had also caused to be sold certain property mortgaged to him pursuant to a power contained in the mortgages of the said property, but had died without executing conveyances to the purchasers under such sale, and had also caused to be advertised for sale agreeably to similar powers other property mortgaged to him, but died before the time specified in the respective advertisements for such sales.

That in consequence of the minority of some of the heirs of the said George Clinton, there is no person legally authorised to adjust the aforesaid just and equitable demands against them, or to execute conveyances conformably to the aforesaid contracts, or to complete the sales of the aforesaid property ; and that although the purchasers under the said contracts and sales may

probably be able to enforce the execution of the said conveyances, or any other of their just demands, through the court of chancery, or some of the other courts of this state ; yet it can only be accomplished by oppressively numerous and tedious law suits, the delay of which would very injuriously tend to prevent the final settlement and distribution of the property to which the said petitioners have become entitled as aforesaid, and the expense of which would waste and dissipate the property of the said petitioners to their manifest loss and grievous injury, although they admit the justice of the aforesaid claims and demands, and would give no more opposition to any suit instituted for enforcing them than what the rules of the respective courts necessarily exact where infants are parties.

That it will be advisable and advantageous to them all to have an amicable partition of the real estate of the said late George Clinton, but which cannot be effected by any proceedings in the ordinary courts without very great expense and delay on account of the scattered state of the property, by means whereof the division of the said property, would be exceedingly retarded, and the amount of the estate, which the said petitioners have inherited as heirs of the said George Clinton, would be very much diminished.

That a partition was heretofore made between the said George Clinton and John Jacob Astor, of certain property (of which an undivided moiety was purchased by the said John Jacob Astor of the said George Clinton, and sold and conveyed to the said John Jacob Astor) situate in the village of Greenwich, near New-York, and of which partition was made and executed with a view to the position of certain streets by and between them agreed upon, laid out, and by them to be opened through the said property, but that the streets and avenues as they have since been laid out by the commissioners appointed under an act of the legislature of this state, intersect and cut up the said property in a manner extremely prejudicial to all parties, and that it will be very much to the interest of the said petitioners to have a new partition made of the said property with reference to the streets and avenues so laid out by the commissioners as aforesaid, but that the same cannot at present be done in consequence of the minority of some of the said petitioners, and the legal incapacity of any one to execute releases or conveyances which would be binding on such of the said petitioners as are under age as aforesaid.

And the said petitioners by their said petition pray for an act of the legislature of this state, enabling the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors and survivor of them, to execute sufficient conveyances of all such property as the said George Clinton had entered into contracts or made agreements for selling as aforesaid ; and also of all such property as the said George Clinton had caused to be sold or advertised for sale, or as it may be necessary hereafter to sell or advertise for sale pursuant to the powers contained in mortgages made or assigned to the said George Clinton or to the said George Clinton and John M'Kesson as aforesaid, and to adjust all claims and differences arising from erroneous surveying or mislocations as

aforesaid, and to adjust and settle the controversy now existing and yet undecided with the heirs of the said William Smith as aforesaid, and to execute all necessary conveyances for effectuating the aforesaid objects to all intents and purposes in the law ; and also enabling them the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors and survivor of them, to make partition anew with the said John Jacob Astor for the said petitioners of the said property in Greenwich, and to receive and execute releases of any parts thereof for and on behalf of the said petitioners ; and also enabling the said Edmund C. Genet, for and on behalf of the petitioners his children, to join in making an amicable partition of the undivided real estate of which the said George Clinton died seised as aforesaid, among the heirs of the said George Clinton, and for that purpose to receive and execute releases of any parts thereof for and on behalf of the said petitioners the children of the said Edmund C. Genet ; and enacting that all such conveyances or releases so executed by the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman, and Edmund C. Genet, or the survivors or survivor of them, and all such releases so executed by the said Edmund C. Genet as aforesaid shall be to all intents and purposes binding and obligatory on the heirs and next of kin of the said George Clinton, in the same manner as if the said heirs were of full age and parties thereto : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors and survivor of them, to execute conveyances of, and to convey and grant all such property as the said George Clinton had entered into contracts or agreements for selling as in the above recited petition is set forth ; and also all such property as the said George Clinton had in his life time caused to be sold or advertised for sale, pursuant to the powers contained in mortgages made or assigned to the said George Clinton, or to the said George Clinton and John M'Kesson, as in the before recited petition is set forth : *Provided nevertheless,* That no such conveyances shall convey or grant any greater or larger estate than is expressed in the contract or agreement made or entered into by the said George Clinton, or in the power contained in the mortgage in pursuance of which such conveyance shall purport to be made.

Contracts entered into by G. Clinton for the sale of lands how to be confirmed,

II. *Be it further enacted,* That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to advertise for sale, and to sell all such property as they or such survivors or survivor shall from time to time judge it expedient and advisable to sell for any debt or debts secured by a mortgage made or assigned to the said George Clinton, or to the said George Clinton and John M'Kesson, as is set forth in the before recited petition, and to convey and grant such property so advertised and sold to such person or persons as may be purchaser or purchasers thereof, or of any part or parts thereof respectively : *Provided,* That the said last mentioned property be

Provide.

Lands, &c. secured to G. Clinton by mortgage may be sold.

Provide.

advertised and sold pursuant to the power contained in the said mortgage made or assigned as aforesaid, and in the manner and conformably to the regulations which at the times of publishing such advertisements and making such sale shall be required by law with respect to the sale of mortgaged property under a power in the mortgage.

Certain
claims how
to be adjust-
ed.

III. *Be it further enacted*, That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to adjust all claims or differences which have arisen or may hereafter arise from erroneous surveying or mislocations, as is set forth in the before recited petition, and to adjust and settle the controversy set forth in the before mentioned petition to be now existing and yet undecided with the heirs of the said William Smith, and to execute all necessary conveyances for the final adjustment and settlement of the several claims, differences and controversies in this section mentioned or referred to.

Property in
Greenwich
how to be
partitioned.

IV. *Be it further enacted*, That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to make partition anew, for and on behalf of the heirs of the said George Clinton deceased, with John Jacob Astor in the before recited petition mentioned, of the property situated in the village of Greenwich near New-York, also in the said petition mentioned; and to accept and execute such releases or other conveyances of any part or parts thereof, for and on behalf of the heirs of the said George Clinton, as may be necessary for effectuating the aforesaid partition.

Commission-
ers to make
partition of
the estate of
G. Clinton.

V. *Be it further enacted*, That Pierre C. Van Wyck, John McKesson and Thomas Addis Emmet shall be and they are hereby nominated and appointed commissioners for dividing in a fair and equitable manner among the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, and the children of the said Edmund C. Genet, according to their respective rights and interests in the same, all and singular the lands, tenements and real estate of which the said George Clinton died seised in his own right as in the said petition is set forth, except the aforesaid property in the village of Greenwich, near New-York, and also for dividing such property in the said village of Greenwich as shall fall to the heirs of the said George Clinton, and as they shall be seised of after executing the partition with the said John Jacob Astor as aforesaid; and also so much of the said property of which the said George Clinton was seised for himself and the said Peter and Christopher Tappen, James, Alexander and William McKesson, and Patrick Ried as aforesaid, as shall fall to the heirs of the said George Clinton, if the said property shall hereafter be divided between them and the other tenants in common thereof during the minority of any of the heirs of the said George Clinton, and that the said commissioners or any two of them cause such surveys and maps of the said lands to be made by such surveyor or surveyors as they or a majority of them shall appoint, in such manner as that there shall be contained in any one of the said surveys or maps only such of the said lands as lie immediately contiguous and ad-

joining, and to divide the lands contained in each of the said surveys and maps into any number of lots as nearly equal in quantity and quality as possible, so as that the said lots shall be marked or expressed in each survey and map, and the number of them in each survey and map shall be either four, or some other number that will divide by four, without leaving a remainder, a true copy of each of which said surveys and maps, subscribed by the said commissioners, or any two of them, shall be filed in the office of the secretary of this state, and in the office of the clerk of each of the counties in which any part of the land contained in the said survey and map shall be situated; and after each of the said surveys and maps shall have been filed as aforesaid, in order that the division of the lands therein contained shall be duly made and performed, the said commissioners, or any two of them, shall in the first place make a division of the lots expressed in the said survey and map into four parts, by setting down upon four separate tickets the number of the said lots in such manner as to make the said four parts as nearly equal as possible in quantity and quality, which tickets shall be put into a box, and four other tickets shall be put into another box, one of the said tickets marked with the name of the said George W. Clinton, another of the said tickets marked with the name of the said Elizabeth Talmadge, another of the said tickets marked with the name of the said Maria Beekman, and another of the said tickets marked "children of Cornelia T. Genet;" and the said tickets shall thereupon be drawn out of the said boxes alternately, first a ticket with the number of lots and then a ticket of names, by an indifferent person to be appointed by the said commissioners, or any two of them, in the presence of one or more of the judges of the supreme court; and the several lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said George W. Clinton, shall in every instance upon such balloting, vest in severalty in the said George W. Clinton, his heirs and assigns for ever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said Elizabeth Talmadge, shall in every instance upon such balloting vest in severalty in the said Elizabeth Talmadge, her heirs and assigns for ever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said Maria Beekman, shall in every instance upon such balloting vest in severalty in the said Maria Beekman, her heirs and assigns for ever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the words "children of Cornelia T. Genet," shall in every instance upon such balloting vest exclusively in the children of the said Cornelia T. Genet and of the said Edmund C. Genet, as tenants in common, and in their heirs and assigns for ever, as an inheritance coming to them on the part of their mother the said Cornelia T. Genet; and all the lands to be divided by virtue of this act shall be divided among his heirs in the manner herein before set forth, so as that the said George W. Clinton, Elizabeth Talmadge and Maria Beekman shall respectively be and become each of them seised in fee in severalty of all and singular the lots of land marked or expressed in the ticket or tickets

drawn immediately before the ticket or tickets respectively bearing his or her name; and the said children of the said Edmund C. Genet shall be and become seised in fee, as tenants in common, of all and singular the lots of land marked or expressed in the ticket or tickets drawn immediately before the ticket or tickets marked, "children of Cornelia T. Genet," free and discharged of and from all claim, title or demand whatsoever of the said George W. Clinton, Elizabeth Talmadge and Maria Beekman, or either of them, or the heirs or assigns of either of them.

Proceedings
of the commis-
sioners where
to be filed.

VI. *Be it further enacted*, That the said commissioners, or any two of them, shall make and set down in writing all the proceedings respecting the said balloting and partition, one copy whereof, certified under the hands of the said commissioners, or any two of them, and under the hands of the judge or judges present at such division, shall be filed in the said secretary's office, and a copy of so much of the said proceedings as shall relate to the lands contained in each of the before mentioned surveys, certified as aforesaid, under the hands of the said commissioners, or any two of them, and under the hand or hands of the judge or judges present at the division of the said lands contained in the said survey, shall be filed in the office of the clerk of each of the counties in which any part of the land contained in the said survey shall be situated, any of which said certified proceedings, or an attested office copy thereof, shall for ever thereafter be good evidence of such partitions.

Expenses of
the partition
how to be
paid.

VII. *Be it further enacted*, That the expenses of the said division shall be borne and paid by the several persons interested in the said tracts of land in the following proportions, that is to say, one fourth part thereof by the said George W. Clinton, another fourth part thereof by the said Matthias B. Talmadge, as husband of the said Elizabeth, another fourth part thereof by the said Stephen D. Beekman, as husband of the said Maria, and another fourth part thereof by the children of the said Cornelia T. and Edmund C. Genet, to be equally divided among them, and to be paid out of their respective estates by their guardian the said Edmund C. Genet.

Conveyances
agreeable to
this act to be
valid.

VIII. *And be it further enacted*, That all such conveyances or releases as shall be made in pursuance of and conformably to the provisions of this act, shall be to all intents and purposes binding and obligatory on the heirs of the said George Clinton, and as valid and effectual in the law as if the heirs of the said George Clinton were all of full age and unmarried, and parties to such conveyances or release.

CHAP. LX.

An ACT for the Relief of the Commissioners for Loaning Money in the county of Greene.

Passed March 12, 1813.

WHEREAS Amos Eaton mortgaged a certain tract of land to the commissioners for loaning money in the county of Greene, to secure the payment of seventy-five dollars, pursuant to the act in such case made and provided: And whereas Joseph Al-

len, junior, who derived his title from the said Amos, also mortgaged a certain piece of land as aforesaid to secure the sum of sixty dollars to him loaned as aforesaid by the commissioners aforesaid : And whereas the said Amos has been convicted of forging a release of the said pieces of land mortgaged as aforesaid by himself and the said Joseph : And whereas the said Amos and Joseph are insolvent,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer of this state he and he is hereby authorised and required to credit and to give receipts to the commissioners for loaning money in the said county of Greene for the interest which is or which may become due hereafter on the said mortgages of the said Amos Eaton and Joseph Allen, junior : Provided, That the said commissioners shall not by this act be released from the payment of principal and interest of the said sums of money for which the said mortgages were given, if the same shall or can be hereafter collected ; Provided also, That nothing in this act shall discharge the said Amos and Joseph from their said mortgages.

CHAP. LXI.

An ACT to enable the President, Directors and Company of the Bank of Troy to discount at their Office of Deposit in the Village of Waterford.

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the bank of Troy to discount at their office of deposit in the village of Waterford, in the county of Saratoga, whenever the same shall be there established in pursuance of the directions of the act incorporating said company, upon the same terms and in the same manner as shall be practised at said bank, any thing in the said act of incorporation to the contrary notwithstanding.

CHAP. LXII.

An ACT authorising Henry Kennedy and Matthew Nealy to erect a Dam across the Cohocton Creek, in the county of Steuben, and for other purposes.

Passed March 12, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Henry Kennedy and Matthew Nealy are hereby authorised to erect a dam across the Cohocton creek, about four miles above the village of Bath, and near the bridge on the Canesteeo road, for the use of their mills, which said dam when so erected shall not exceed two feet six inches in height ; and that the said Kennedy and Nealy shall construct in the said dam an apron or lock of such dimensions as will at all times render the passage safe and easy for arks, rafts, and all kinds of boats common on said river

A dam of 2 feet 6 inches high may be erected.

Provide.

during the continuance of the said dam : *Provided*, That by erecting the said dam the said Kennedy and Nealy, and all subsequent proprietors or occupants under them, shall not divert from its natural course so much of the water when it shall be low as to impede or retard the progress of Joseph Inslee's mill, situate below the aforesaid dam.

Penalty for letting the lock get out of repair.

II. *And be it further enacted*, That if at any time during the continuance of the aforesaid dam the lock or apron shall be out of repair, and thereby impassable for arks, rafts and boats common in said creek or river, then and in such case the foregoing section and its several provisions shall be absolutely void.

A. McCall may continue a dam across the Tioga river.

III. *And be it further enacted*, That Ancell McCall be, and he is hereby authorised to continue a dam across the Tioga river, at or near the chimney narrows, in the town of Painted Post, in the county of Steuben, for the purpose of conveying water to his mills : *Provided*, The said dam shall not be built more than one foot high in the channel of the river : *And provided further*, That the owner of said dam at all times hereafter shall keep in repair a safe and easy passage for all boats, arks, and rafts common on said river ; and whenever the said owner or owners shall neglect so to keep in repair such passage, this section shall with all its provisions become void.

CHAP. LXIII.

An ACT concerning the Conveyance of Real Estate in this State for the Security and Benefit of the School Fund of Connecticut.

Passed March 12, 1813.

WHEREAS it is represented to this legislature, that the state of Connecticut have by a permanent appropriation constituted a fund for the support of free schools, and that sundry citizens of this state have become debtors to said fund ; and that for the accommodation of said citizens, as well as the security of said fund, it has been found convenient to make conveyances of real estate in this state to the said state of Connecticut, or the trustee of said state, for the use and benefit of said school fund ; and it appearing to this legislature that the establishment of said school fund is for a useful and benevolent purpose, and will be of great public benefit : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the consent of this state be and the same is hereby given to all conveyances of real estate in this state which have been made to the state of Connecticut, or a trustee of said state, for the security, protection and benefit of said school fund, and the same shall be as valid in law to all intents and purposes as if such conveyance had been made to a citizen of this state ; and such real estate may be transferred by said state of Connecticut in the same manner as is provided by the laws of this state : *Provided*, That no lease or other conveyance reserving rent shall be made for a longer term than ten years, nor shall any mortgage or other security on land, be taken, the last payment of which shall not fall due within ten years from the passing of this act.

CHAP. LXIV.

An ACT to incorporate the Stockholders of the Ontario Bank.

Passed March 12, 1813.

WHEREAS Nathaniel Gorham, Phineas P. Bates, Moses Atwater, Nathaniel W. Howell, Oliver L. Phelps, and others, associated as a company under the style of the Ontario bank, by their petition preferred to the legislature have prayed for the privilege of being incorporated as a company and body corporate : Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be from time to time, and until the first Monday of June, which will be in the year of our Lord one thousand eight hundred and thirty-three, a body corporate and politic in fact and in name, by the name of "The President, Directors and Company of the Ontario Bank," and by that name they and their successors, until that day may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation : *Provided,* That the real estate which it shall be lawful for the said corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts : *And provided further,* That the bank shall be established in the village of Canandaigua, and that its operations of discount and deposit shall be carried on in the said village of Canandaigua, and not elsewhere : *And further,* That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Company incorporated.

Their style, &c.

Proviso.

Further proviso.

II. *And be it further enacted,* That the capital stock of the said corporation shall not exceed five hundred thousand dollars, and that a share in the said stock shall be fifty dollars ; and it shall be the duty of the president and directors to advertise in each of the public newspapers, printed in the villages of Canandaigua and Geneva, at least six weeks previous to the opening the books, giving particulars of the time and place where and when the books shall be opened, and they shall be kept open for subscribers at least two days in each week for

Capital not to exceed 500,000 dollars.

one month after the subscription shall be so opened, and at least six hours in each day ; and that each person so subscribing, shall pay at least two dollars and fifty cents on each share he shall so subscribe for, otherwise it shall not be considered a subscription ; and if at the expiration of the said one month there should be more shares subscribed for than the whole amount of the capital stock of said bank on which the two dollars and fifty cents on each share has been paid, then it shall be the duty of the president and directors to apportion to each subscriber the same proportion that his subscription shall bear to the whole amount he subscribed as will make the amount of the capital stock : *Provided*, No person shall have apportioned to him more than one hundred shares ; and that any person not signing more than five, shall have the whole number of shares allowed him in case there shall be a sufficient number of shares to allow five shares to each subscriber ; and in case there shall be less than five shares to each subscriber, then it shall be lawful to divide the shares amongst the subscribers as nearly equal as possible, and that the president and directors shall have power, in case they suspect any person to have subscribed in trust for another, to examine him or any other person on oath, touching the same, and in case they shall be satisfied that such person or persons do not intend to be a stockholder in his or their own right, or in case he or they refuse to be examined on oath relative thereto, then it shall be lawful for the said president and directors not to allow him, her or them, any share or shares : and in case the whole of the stock shall not be taken up within the said month, then it shall be lawful for the said president and directors to allow any person to subscribe such number of shares as they may deem proper, until the whole number of shares of the capital stock shall be subscribed.

Provido.

Oath of the president and directors.

III. *And be it further enacted*, That the said president and directors, before they enter on the duties of their office, shall each take and subscribe the following oath before one of the judges of the court of common pleas of the county of Ontario : " I - - - do solemnly and sincerely promise and swear, that I will well and truly, and according to the best of my ability, execute the duties of a director in apportioning the stock of the said company, without fraud, fear, favor or partiality, and that I will not apportion any shares to any person who I know has subscribed for any other person or persons, and does not intend to be a bona fide stockholder," which oath shall be filed in the clerk's office of said county, and the apportionment made by the said president and directors taking the oath aforesaid, shall be final and conclusive.

Directors.

IV. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by eleven directors, to be appointed and chosen in manner hereafter mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places ; the election for directors shall be held on the first Monday of June in each year, at such time of day and at such place within the village of Canandaigua, as a majority of the directors shall appoint, and pub-

Elections how to be made.

lic notice shall be give not less than thirty days previous to the time of holding said elections, by an advertisement to be inserted in one or more of the public newspapers printed in the county of Ontario; said elections shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors shall be by ballot, each stockholder shall be entitled to a number of votes which he or she shall have held in his or her name, at least thirty days previous to the time of voting, according to the following ratio, that is to say, at the rate of one vote for every share not exceeding twenty, and one vote for every five shares above twenty and not exceeding fifty, and one vote for every ten shares above fifty; and the eleven persons who shall have the greatest number of votes as aforesaid shall be directors; and if it should happen at any election that two or more persons voted for as aforesaid, shall have an equal number of votes, then the directors in office, at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes, determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed to elect by ballot one of their number to be president; and if any director living in the county of Ontario shall remove out of the same, his office shall be considered as vacant; and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint; and the first directors shall be Asahel Warner, David E. Evans, Heman Norton, Phineas P. Bates, John Greig, Nathaniel Gorham, Moses Atwater, Thaddeus Chapin, Jasper Parish, Stephen Bates, Philetus Swift, who shall hold their offices respectively until the first Monday of November in the year of our Lord one thousand eight hundred and fourteen.

First directors.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors, according to the by-laws and regulations of said corporation.

Corporation not to be dissolved for not holding election on the day appointed.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank, and shall also have power to appoint so many officers, clerks and servants for carrying on all and singular the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Directors may make by-laws.

Proviso.

Transfers
how to be
made.

VII. *And be it further enacted,* That no transfer of stock shall be valid or effectual until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such persons.

Total debt
not to exceed
three times
the amount
of capital.

VIII. *And be it further enacted,* That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall in their individual and private capacities be liable for such excess; and the estate of the said corporation shall also be liable therefor.

Bills assigna-
ble.

IX. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names, and bills or notes which may be issued by order of said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect as upon any private person or persons if issued by him, her or them, in his or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Monies sub-
scribed may
be demand-
ed.

X. *And be it further enacted,* That it shall be lawful for the directors for the time being to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said company, always however giving sixty days previous notice of such call and demand in one or more of the newspapers published as aforesaid.

Dividends
how to be
made.

XI. *And be it further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said bank as they, or a majority of them, shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount for a term not exceeding sixty days, than at the rate of six per centum per annum; and that no director shall be entitled to receive any emolument for his services, except the president for the time being.

This act not
to be forfeit-
ed by any
non-user.

XII. *And be it further enacted,* That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the first Tuesday of February next, and it shall on that day be lawful for the stockholders above mentioned

to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

XIII. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever. This a public act.

CHAP. LXV.

An ACT to enable the Mayor, Recorder and Aldermen of the city of New-York to raise Money by Tax.

Passed March 19, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the mayor, recorder and aldermen of the city of New-York as the supervisors of the city and county of New-York or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered as soon as conveniently may be after the passing of this act, to order and cause to be raised by a tax on the estates real and personal of the freeholders and inhabitants of, and situate within the said city, and to be collected, a sum not exceeding ninety thousand dollars to be applied to the support and maintenance of the poor of the city and county, the support and repairs of the bridewell of the said city, the support and maintenance of criminal persons, the repairing and taking care of other public buildings in the said city belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public streets and roads in the said city and county, the defraying of other contingent expenses arising within, and properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the city of New-York may sustain, or be put to in exercising the powers vested in them by the act passed the second day of April, one thousand eight hundred and three, entitled "an act to invest the mayor, aldermen and commonalty of the city of New-York with adequate powers in relation to certain objects of importance to the police and health of the said city." And for supplying the deficiencies of former taxes upon any and every of the wards of the said city owing to the insolvency or inability of the collectors of the said wards, any or either of them, or others, and fees of collection not heretofore provided for, such deficiencies however, to be assessed on the estates, real and personal of the freeholders and inhabitants of, and situate within the said wards respectively, where they shall happen as aforesaid; and also a further sum not exceeding seventy thousand dollars by a tax on the estates real and personal of the freeholders and inhabitants of, and situate within the said city to the southward of a line beginning at the North river at a place called Deklyne's ferry, a little to the northward of the state prison, thence easterly in front of the new banking houses to the road commonly called the sandy-hill road, to the northward of potter's field and the house of William Neilson, to the bowery road to a street com-

90,000 dollars may be raised by tax.

Also 70,000 dollars may be raised within certain limits.

monly called Stuyvesant-street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oils, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are, or hereafter may be, erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expenses arising in and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct, and for supplying deficiencies of former taxes upon the same part of the same city last described, owing to insolvencies and fees of collectors not heretofore provided for; such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

Assessments
how to be
made.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act entitled "an act for the assessment and collection of taxes," and each person's tax in one ward shall be collected in one payment, and the monies so collected, paid into the hands of the treasurer or chamberlain of the said city, at such time after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Compensation
of the
collectors.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh and tenth wards of the said city, to retain in their hands four cents on each dollar by them collected, and the collectors of the eighth and ninth wards of the said city to retain in their hands five cents on each dollar by them collected and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

CHAP. LXVI.

An ACT to alter the Name of the Town of New-Goshen in the county of Greene.

Passed March 19, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of New-Goshen, in the county of Greene, shall be called and known by the name of Lexington.

CHAP. LXVII.

An ACT to incorporate the Dutchess County Marble Company.

Passed March 19, 1813.

WHEREAS Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely, junior, and Isaac Mills, have by their petition set forth, that the said Stevens, Ely and Mills now own two marble quarries in the town of Amenia, in the county of Dutchess, which have for some time past been in operation, and that the petitioners have discovered some other beds of marble in this state which have not been opened, and which they are desirous to purchase, open and bring into operation; that the aforesaid petitioners have requested that the legislature would pass an act incorporating them and their associates for the purpose of opening quarries, raising and working marble and disposing thereof: Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely, junior, and Isaac Mills and all others who are or shall become subscribers or associates for the purpose of this act, shall be, and they hereby are, together with their assigns and successors, established and made a body corporate and politic for the purpose of conducting said marble quarries and such others as they shall open or work, and for the purpose of manufacturing marble in this state and disposing thereof, by the name of "Dutchess County Marble Company," for the term of forty-two years, and by that name, they and their successors shall be and hereby are authorised and empowered to purchase, take, hold, occupy, possess and enjoy to them and their successors, any goods, chattels and effects of whatever kind they may be, the better to enable them to carry on said business to advantage; also to purchase, take, hold, occupy, possess and enjoy any such lands, tenements or hereditaments within the counties of Dutchess, Columbia, Ulster and Greene, and within the cities of New-York and Albany as shall be necessary for the views and purposes of said corporation, or to take any lease or leases thereof, and the same again to sell and dispose of at pleasure, also to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court of record or elsewhere; and the said corporation may have and use a common seal and may alter the same at their will and pleasure, and by such seal (for the time being) their proceedings, deeds and transactions shall and may be certified and established.

B. Strong and others incorporated.

Their style, &c.

II. *And be it further enacted,* That the capital stock of said corporation shall not exceed one hundred thousand dollars, and that a share of the said stock shall be fifty dollars, and the present owners of said quarries shall have a right to subscribe (if they shall wish so to do) for any number of shares in said corporation to the amount of one third thereof; that the stock of said company shall be deemed and considered personal estate and transferable only on the books of said company in such form as the directors of said company shall prescribe, but no transfer shall be valid so long as the stockholder transferring is or shall be indebted to said company; and that the said Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely,

Stock, &c.

junior, and Isaac Mills, are hereby appointed commissioners, who, or either three of them, may as soon after the passing of this act as shall be convenient, receive subscriptions for the stock of the said corporation in such manner as they shall deem most expedient and proper, and that said commissioners or either three of them, are hereby authorized and empowered to call a meeting of the stockholders as soon as twenty thousand dollars shall be subscribed for, at such time and place as they shall appoint, for the purpose of electing directors.

5 directors
may be cho-
sen.

III. *And be it further enacted,* That the stock, property and affairs of the corporation shall be managed by five directors, one of whom shall be president, who shall hold their offices for one year, which directors shall be stockholders and citizens of the United States, and shall be annually elected at such time and place as the regulations of said corporation shall prescribe; a majority of the directors shall on all occasions constitute a board for the transaction of business, and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of such meeting, each share entitling the owner thereof to one vote.

Other offi-
cers may be
appointed.

IV. *And be it further enacted,* That the said president and directors for the time being, or a major part of them, shall have power to appoint and employ, from time to time, a secretary, treasurer and such other officers, mechanics, workmen, artificers, laborers and servants as they may think proper for the transacting of the business and concerns of the said company; and also to make and establish such by-laws, rules and regulations, as they shall think expedient for the better management of the officers, concerns, mechanics, workmen, artificers, laborers and servants of the said corporation, and the same to alter or repeal: *Provided always,* That such by-laws, rules and regulations be not inconsistent with the constitution and laws of the United States, or of this state; and said directors shall and may as often as the interest of the stockholders shall require, and the affairs of said company will permit, declare a dividend or dividends of profit on each share, which shall be paid to the stockholders by the treasurer of said company.

Proviso.

Proviso with
respect to
election.

V. *And be it further enacted,* That if it shall so happen that an election of directors should not take place in any year at the annual meeting thereof, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on any convenient day to be fixed on by the directors, they giving public notice thereof.

Books of ac-
counts to be
open at reason-
able times.

VI. *And be it further enacted,* That the books of said company containing their accounts shall at all reasonable times be open for the inspection of any of the stockholders of the said company, and every year a statement of the accounts of the said company shall be made by order of the directors.

Directors
may call in
subscriptions.

VII. *And be it further enacted,* That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper, under a penalty for ten days neglect of payment of a forfeiture of all previous instalments, and of all rights and interest whatever in the said company, giving public notice thereof at least thirty

days in two different newspapers published in the city of New-York.

VIII. *And be it further enacted*, That for all debts that shall be due from said company, at the time of its dissolution, the stockholders thereof shall then be responsible therefor in their individual and private capacity to the extent of their respective shares and no further: *Provided also*, That nothing contained in this act shall be construed to authorize or empower the said corporation to use their funds for any banking transactions, or in purchasing of the stock of any bank in this state, or any public stock whatever.

Debts how to be settled after the dissolution of the corporation.

IX. *And be it further enacted*, That this act shall be to all intents and purposes considered as a public act, and shall be construed and considered in all courts and places benignly and favorably for every beneficial purpose therein mentioned and contained.

This a public act.

CHAP. LXVIII.

An ACT relative to the Mohawk Turnpike Company.

Passed March 19, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That for ten years from and after the first day of May next, it shall and may be lawful for the president and directors of the Mohawk turnpike company to erect a gate on each of the bridges across the East and West Canada creeks; and in addition to the toll now permitted to be taken on said road, to demand and receive from persons passing either of the aforesaid two bridges, half the rate of toll that the said company are authorized by the act entitled "an act to incorporate the Mohawk turnpike and bridge company," to take at any other full toll gate on said turnpike road: *Provided*, That nothing in this act shall authorize the said company to demand toll from any person crossing either of the said bridges with a sleigh or sled in the months of January or February in every year, or to receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill, or to or from any general or other training.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to make such regulations as they may think proper restraining persons from passing any of the bridges across the East and West Canada creeks, and the Mohawk river at Utica, with horses, oxen, carts, waggons or carriages of any description, faster than on a walk, and to inflict penalties for the breach of those regulations: *Provided* the penalty for each offence shall not exceed one dollar: *And provided*, That due notice be given of the amount of such penalty by placing the same in some conspicuous place at each end of said bridges; said penalty to be recovered in the same manner in which penalties for avoiding any of the gates on said turnpike road are now recovered.

CHAP. LXIX.

An ACT to authorise the Supervisors of the county of Genesee to raise Money by Tax for the erection of a fire-proof Clerk's Office.

Passed March 19, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Genesee, and they are hereby authorised and directed, at their annual meeting in October next, to cause a sum not exceeding one thousand five hundred dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same, which sums shall be levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected, for the purpose of erecting a fire-proof building for the use of the clerk of said county, and in which all the public records and papers belonging to the office of the clerk of said county shall be kept after the said building shall be completed.*

II. *And be it further enacted, That it shall be the duty of the said supervisors to purchase and procure a convenient lot to erect said building upon, as near as may be convenient to the court house in the town of Batavia, and that Isaiah Babcock, Ephraim Towner and Isaac Sutherland, of the town of Batavia, be commissioners to superintend the erection of the same.*

CHAP. LXX.

An ACT to incorporate the Stockholders of the Bank of Lansingburgh.

Passed March 19, 1813.

Preamble.

WHEREAS James Hickok and others, by their petition presented to the legislature, have prayed to be incorporated for banking operations: Therefore,

Company incorporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all such persons as now are or hereafter shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of May, one thousand eight hundred and thirty-three, a body corporate and politic in fact and in name, by the name of "The President, Directors and Company of the Bank of Lansingburgh," and by that name they and their successors, until the said first day of May, one thousand eight hundred and thirty-three, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of Lansingburgh, shall be in*

law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

II. *And be it further enacted*, That a share of the said bank ^{Stock.} shall be twenty dollars, and the number of shares shall not exceed ten thousand, exclusive of what may be subscribed on the part of the state ; and that subscriptions to the said capital stock may be kept open under the direction of the president and directors, until the whole number of shares shall be subscribed ; and that this state shall have a right to subscribe any number of shares to the said bank not exceeding in the whole one thousand, which shall be paid for in such proportions, and at such times as shall be provided for by the by-laws of the said corporation.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by fifteen directors, one of whom to be president, who shall hold their offices for one year, and until others shall be appointed and elected in their stead, in the manner hereafter mentioned : The person administering the government of this state, by and with the advice and consent of the council of appointment, shall, and hereby is authorised annually, on or before the first Monday of April, to appoint two fit persons from among the stockholders residing in the said village of Lansingburgh, to be directors in said bank ; and in case either of the two directors so to be appointed, shall refuse to accept, or shall die, resign his office, or remove out of the said village, that then and in such case it shall and may be lawful for the comptroller of this state for the time being, from time to time, to appoint by writing under his hand, another stockholder of the said village to be director in his stead ; the remaining thirteen directors shall be stockholders, citizens of this state, and ten of whom at least, at the time of their election, shall reside in the said village of Lansingburgh, and shall be elected on the first Monday of April in every year, at such place in the village of Lansingburgh as a majority of the directors, who shall upon all occasions constitute a board for doing business for the time being, shall appoint ; and public notice shall be given by the said directors, in the public newspaper printed in the said village, of such time and place, not more than sixty nor less than thirty days previous to the day of holding said election ; and the election shall be held and made by the stockholders of the said bank, either in person or by proxy ; and all elections for directors shall be by ballot, each share of the stock having one vote, and the thirteen persons who shall have the greatest number of votes, shall be directors ; and if it should so happen at any election, that two or more persons have an equal number of votes, then the majority of the directors in office, at the time of such election, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of fifteen ; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president ; and if any director shall remove out of this state, his office shall be considered as vacant ; and when any vacancy or vacancies shall happen by death, resignation or otherwise, such vacancy or vacancies shall

15 directors
to be chosen.

Election.

First direct-
ors.

be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and the first directors shall be Elijah Janes, James Hickok, Elias Parmelie, Shubael Gorham, James Adams, John Stewart, Abraham C. Lansing, Jonathan Burr, Calvin Barker, James Denison, Timothy Leonard, James Dougry, Gardner Tracy, Silvanus J. Penniman, and Asa Burt, who shall hold their offices respectively until the first Monday of April, which will be in the year one thousand eight hundred and fourteen, and until others shall be appointed and elected in their stead.

Proviso
respecting
elections.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Directors
may make
by-laws.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors and all such other matters as appertain to the business of a bank; and shall also have power to appoint such and so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state: *And provided further*, That the said president and directors shall not prohibit by any by-law or resolution, the discount of notes to the amount of twenty-five dollars.

Proviso.

Bank where
to be kept.

VI. *And be it further enacted*, That the said bank shall be established and kept, and buildings necessary for the accommodation thereof erected, and the business thereof at all times hereafter transacted in the compact part of the said village of Lansingburgh.

Transfers
how to be
made.

VII. *And be it further enacted*, That no transfer of the stock of the said corporation shall be valid or effectual in law, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person or persons.

Total debt
not to exceed
three times
the amount of
capital.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, note or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall

not be construed to exempt the said corporation, or any estate real or personal which they may hold as a corporate body, from being also liable for and chargeable with such excess; but such of the directors who have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

IX. *And be it further enacted,* That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And further,* The said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Corporation not to hold lands unless necessary for their accommodation.

Nor deal or trade in buying and selling goods, &c.

X. *And be it further enacted,* That the bills, obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, promising the payment to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills assignable.

XI. *And be it further enacted,* That it shall be lawful for the directors for the time being to call and demand from the stockholders respectively all such sums of money as their respective shares shall amount to, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said company, always however giving sixty days previous notice of such call and demand in the newspaper to be published as aforesaid.

Monies subscribed may be demanded.

XII. *And be it further enacted,* That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first Monday of April, one thousand eight hundred and fifteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.

This act not to be forfeited by any non-user.

Dividends
how to be
made.

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; and that every cashier and clerk, before he enters upon the duties of his office, shall give bond with two or more sureties, to be approved of by the directors for the time being, or a majority of them, in any sum not less than ten thousand dollars for such cashier and two thousand dollars for each clerk, conditioned for the faithful discharge of their several duties; and the said cashier and clerk shall also take and subscribe an oath to observe and perform all the duties which may be required of them by the directors from time to time.

Rate of in-
terest.

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

This a pub-
lic act.

XV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be for the time herein before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

CHAP. LXXI.

An ACT to authorise Samuel Crafts to erect a Dam across the Susquehannah River.

Passed March 19, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Samuel Crafts, his heirs and assigns, to build and maintain a rolling dam across the Susquehannah river, about seven miles from the outlet of Lake Otsego, not exceeding eight feet in height from the bottom of the river.

II. *And be it further enacted*, That the said Samuel Crafts, his heirs or assigns, shall make and keep in good repair, a good, sufficient and convenient lock through said dam, for boats to pass up and down the said river into and out of Lake Otsego, the said lock to be made and completed at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and when so completed, the said lock shall be free for all boats to pass up and down the said river through the same without any charge or toll therefor, any law, usage or custom to the contrary notwithstanding: *Provided always*, That nothing in this act shall be so construed as to authorise the said Samuel Crafts, or his heirs or assigns, to obstruct the stream of the said river so as to cover any land with water, unless the consent of the owner or owners of such land is first had and obtained in writing: *And provided further*, That this act shall be and remain in force for the term of twenty-four years and no longer.

CHAP. LXXII.

An ACT for laying out and making a Road in the county of Cattaraugus.

Passed March 20, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Christopher Hurlbut of the county of Steuben, Moses Van Campen of the county of Allegany, and Jedediah Strong of the county of Cattaraugus, be and are hereby appointed commissioners for the purpose of laying out and making a road from the boundary line between the states of New-York and Pennsylvania, to commence at the termination in said line of the Pennsylvania road from Pine creek, and to extend thence to the village of Hamilton, in the county of Cattaraugus, thence to the outlet of the Chatauque lake at or near the intersection thereof by the said boundary line; and the superintendent of the Onondaga salt works is hereby required to pay to the said commissioners or their order, the sum of six thousand dollars out of any public money that may be in his hands as superintendent of the Onondaga salt works, and the receipt of the said commissioners shall be his voucher therefor: *Provided however,* That previous to paying said money, said commissioners shall give to the comptroller of this state sufficient security that they will faithfully expend and account for said money, and the certificate of said comptroller shall be considered by said superintendent as proof that said commissioners have complied with the requisites of this act.

Commissioners to lay out the road.

Its route.

II. *And be it further enacted,* That each of the commissioners appointed by this act shall be entitled to two dollars and fifty cents per day for each day they may be respectively employed in the discharge of the duties imposed upon them by this act; and if one of them shall act as surveyor, he shall be entitled to fifty cents per day in addition, to be paid out of the aforesaid money.

Their compensation.

III. *And be it further enacted,* That the said commissioners shall cause to be made and filed in the clerk's office of the county of Allegany, an accurate map of the said road, with the courses and distances thereof, said map to be signed by said commissioners.

Map of the road to be filed.

IV. *And be it further enacted,* That if one of the above named commissioners do not serve, Tarball Whitney, of the county of Allegany is hereby appointed in his place.

CHAP. LXXIII.

An ACT in addition to an act entitled "an act to divide the Town of Bloomfield, in the county of Ontario, into three Towns," passed the 26th of May, 1812.

Passed March 20, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the annual town meetings in the town of Bloomfield aforesaid shall hereafter be held at the now dwelling house of Ashur Saxton, in said town, or in some of his buildings, near his said house, any law to the contrary notwithstanding.

An ACT to incorporate the Middleburgh Bridge Company.

Passed March 20, 1813.

W. C. Bouck
and others in-
corporated.

Their style,
&c.

Provido.

Commis's
and their du-
ties.

Five direc-
tors to be
chosen.

I. *BE it enacted by the people of the state of New-York, repre-
sented in Senate and Assembly, That William C. Bouck, John
Gebhard, Peter Swart, jun. Peter Shafer, jun. and Thomas P.
Danforth, and their present and future associates, their succes-
sors and assigns, be and are hereby made and created a body
corporate and politic, by the name of "The President and Di-
rectors of the Middleburgh Bridge Company," for the purpose
of building a bridge across the Schoharie creek, in the town of
Middleburgh, at the place where the present bridge now stands,
on the Schoharie turnpike road, and they are hereby ordained,
constituted and declared to be for the term of twenty-five years,
a body politic and corporate, in fact and in name, and by that
name they and their successors shall and may hereafter have
succession, and shall be persons in law capable of suing and be-
ing sued, pleading and being impleaded, answering and being an-
swered unto, defending and being defended in all courts and
places whatsoever; and that they and their successors may
have a common seal, and may change and alter the same at
their pleasure; and also that they and their successors, by the
same name and style, shall be in law capable of purchasing,
holding and conveying any estate, real and personal, for the
use of the said corporation: *Provided* the real estate so to be
holden shall be such only as shall be necessary to promote or at-
tain the objects of this corporation.*

II. *And be it further enacted, That William C. Bouck and
Thomas P. Danforth, be and are hereby appointed commissioners
to do and perform the several duties hereafter mentioned: they
shall on or before the first Monday in May next, procure two
books and in each of them enter as follows: We whose names
are hereunto subscribed, do for ourselves and legal representa-
tives respectively, promise to pay the president, directors and
company of the Middleburgh bridge company, the sum of twen-
ty dollars for every share of stock in the said company set oppo-
site to our respective names, in such manner and proportion, and
at such time and place as shall be determined by the said presi-
dent, directors and company; one of which books shall be left
with each of the said commissioners, at their respective places of
abode, who shall keep the same open for the purpose of receiving
subscriptions, and every subscriber shall at the time of subscribing
pay unto either of the said commissioners the sum of two dollars
for each share so subscribed, and the said commissioners shall as
soon as one hundred shares shall have been subscribed, cause ad-
vertisements to be affixed up in a conspicuous place in the bar-
room of at least three of the most public inns in the town of Mid-
dleburgh, giving at least ten days notice of the time and place
that the said subscribers shall meet for the purpose of choosing
five directors who shall be stockholders, for the purpose of man-
aging the concerns of said company for one year, and the day of
choosing their directors shall forever thereafter be the anniversary
day for choosing directors, and the majority of the said directors
shall be a quorum, and be capable of transacting the business of*

said corporation, and every act of a majority of said directors so met shall be binding on said corporation ; and the said directors elected by the plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for a president, and the said president and directors may meet from time to time at such time and place as they may find expedient and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United Stats, as shall be necessary for the well ordering the affairs of said corporation.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the said stock of the said corporation until there shall be four hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation. Subscriptions how to be received.

IV. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or funds of the said corporation shall not exceed four hundred shares, and that the amount to be paid for each share or subscription shall be twenty dollars, and that each stockholder shall be entitled to one vote for each share to the number of ten, and one vote for every additional five shares which he or she shall have or hold in his or her name. Number of Shares. Votes.

V. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries across the said river at any place within one half mile up and one mile down the said river from the said place where the bridge aforesaid shall be erected and built by the said company, neither shall it be lawful for any person or persons to cross the said river after the said bridge is completed within the distance above mentioned, without paying to the corporation for their use the toll established by law, but it shall and may be lawful for any person or persons to pass and repass with their own boat. Penalty for erecting a bridge or setting up a ferry near said bridge.

VI. *And be it further enacted*, That the said bridge shall be at least twenty-two feet wide, and shall be covered with plank not less than three inches thick, the sides of the bridge to be secured with good and substantial railings not less than four feet high. Bridge to be 22 feet wide.

VII. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed within two years after the one shall be carried away, or become impassable, which stands now on the Schoharie turnpike road, then and in that case the corporation created by this act shall be adjudged and considered as dissolved: *Provided* if the said bridge so erected by said company shall be carried away by the ice or otherwise destroyed, and be not rebuilt in two years after such bridge shall be so carried away by the ice or otherwise destroyed, that in such case the said corporation shall become dissolved. Company dissolved if the bridge is impassable for two years.

VIII. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Schoharie, or any three of them not interested therein, shall upon inspection certify under their hands that the said bridge is well and sufficiently completed and built conformable to this act, and will admit the passage of teams of bur- Rates of toll.

den, it shall and may be lawful for the said president and directors to erect a gate at the end of said bridge, and demand and take for the use of said corporation a toll not exceeding the following rates, to wit: for every four wheeled pleasure carriage hung on springs drawn by two horses, twenty-five cents, and every additional horse, three cents; every two wheeled pleasure carriage drawn by one horse, twelve and an half cents, every additional horse, three cents; every waggon and two horses, twelve and an half cents, and for every additional horse three cents; every sled or sleigh drawn by two horses, six cents; every one horse sleigh drawn by one horse, four cents; every ox cart drawn by two oxen, twelve and an half cents; every additional yoke of oxen, six cents; every one horse cart, six cents; every ox sled drawn by one yoke of oxen, six cents; every additional yoke of oxen, three cents; every man and horse, three cents; every led horse, two cents; every horse, jack, or mule, two cents; every cow or other neat cattle, one cent; every hog, sheep or calf, one half cent: and it shall be lawful for the toll gatherer to stop every person with their teams, horses, cattle, sheep, hogs and any thing which is liable to toll, until they shall have respectively paid the toll herein allowed to be collected by this act: *Provided nevertheless*, That all persons going to or returning from public worship, going to or from any grist-mill for the purpose of getting grain ground for their own family's use, going to or from a burial, going to or from their ordinary business on their farms, fetching a physician, and all persons going to or from trainings who are liable to do and perform military duty, which passes or repasses with their own horse or carriage, and all persons drawing fire-wood for their own family use, shall be exempt from any toll.

Proviso.

*Penalty for
injuring the
bridge.*

IX. *And be it further enacted*, That if any person or persons shall wilfully or maliciously do or cause to be done any act whatsoever whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the said person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said corporation, with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court having cognizance of the same, which action shall in every instance be considered as transitory in its nature.

*Penalty for
passing the
gate without
paying toll.*

X. *And be it further enacted*, That if any person or persons shall forcibly pass said gate to be erected at said bridge, or pass the stream within the distance heretofore specified in the fifth section of this act, or shall cause his, her or their horse, carriage, waggon, sleigh, sled, cattle, or any thing appertaining to them which is liable to toll by virtue of this act to pass the same without having paid the said toll for passing said bridge, such person or persons shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the said corporation, or in his name, to their use in an action of trespass, which action shall in every case be considered as transitory in its nature.

*A list of the
rates of toll
to be set over
the gate.*

XI. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place

over the said gate a printed list of the rates of toll, and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

XII. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller of passing the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully delayed, hindered or defrauded.

Penalty for
detaining
passengers.

XIII. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose herein mentioned.

This a pub-
lic act.

XIV. *And be it further enacted*, That in all cases where the toll gatherer shall be convicted of any of the said offences, and that it shall appear by the return of the execution on such conviction, that the money, or any part thereof cannot be obtained from the defendant, the said president and directors shall be liable for the payment of the same; and until the said president and directors shall make such payment, they shall not be allowed to demand or receive any toll for passing the said bridge, but shall keep the gate open.

Company
responsible
for penalties
incurred by
toll-gather-
ers.

XV. *And be it further enacted*, That it shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk, with his, her or their horse or team; nor shall it be lawful for any driver to drive more than twenty head of cattle on said bridge at a time, on penalty of forfeiting for every such offence not less than one dollar, to be recovered in the name of the treasurer for the use of said corporation.

Penalty for
driving
across the
bridge faster
than on a
walk.

CHAP. LXXVI.

An ACT in addition to the act, entitled "an act to incorporate the Stockholders of the City Bank of New-York."

Passed March 20, 1813.

WHEREAS the president, directors and company of the City Bank of New-York have by their petition represented to the legislature that by reason of the war and the consequent embarrassments to individuals, and to the commerce of the country, they have not been able to carry the said bank into useful and extensive operations, and praying that the said bank may be relieved from the payment of the several sums of money directed to be paid to the state by the third section of their act of incorporation: Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That instead of the several sums directed by the said third section of the above mentioned act to be paid by the said corporation, the said corporation shall pay to the treasurer of this state, within thirty days from the passing of this act, the sum of fifty thousand dollars, to be applied for the use and encouragement of common schools within this state; and

50,000 dolls.
to be paid to
the treasurer
in 30 days.

500,000 dollars to be loaned to the state.

shall also loan to the people of this state, when by law required, a sum not exceeding five hundred thousand dollars, at a rate of interest not exceeding six per cent per annum, the said interest to be paid annually, and the principal sum which may be so borrowed, to be repaid at such time or times, during the continuance of the said corporation, as shall be provided for by law; and that the said sum of fifty thousand dollars and loan last mentioned shall be received and taken in full of all payments in the said section specified.

Corporation to signify their acceptance in 60 days.

II. *And be it further enacted*, That the said corporation shall, within sixty days from the passing of this act, under their corporate seal, signify to the comptroller of this state their acceptance of the terms of this act, otherwise this act shall cease and be of no effect.

CHAP. LXXVI.

An ACT relative to the Bank of America.

Passed March 20, 1815.

Preamble.

WHEREAS the president, directors and company of the Bank of America have represented that they have been unable to complete their capital stock of six millions of dollars, and that less than two millions of dollars are now actually subscribed; and from unforeseen circumstances, it has become impossible to make the payments and loans specified in the twelfth and thirteenth sections of the act entitled "an act to incorporate the stockholders of the Bank of America:" Therefore,

100,000 dollars to be paid to the treasurer in 30 days.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That instead of the several sums directed by the said twelfth and thirteenth sections of the above mentioned act, to be paid and loaned by the said corporation, the said corporation shall pay to the treasurer of this state, within thirty days from the passing of this act, the sum of one hundred thousand dollars, to be applied for the use and encouragement of common schools within this state; and shall also loan to the people of this state, when by law required, a sum not exceeding one million of dollars, at a rate of interest not exceeding six per cent per annum, the said interest to be paid annually, and the principal sum which may be so borrowed, to be repaid at such time or times during the continuance of the said corporation, as shall be provided for by law; and that the said sum of one hundred thousand dollars, and loan last mentioned, shall be received and taken in full of all payments and loans in the said sections specified.

One million dollars to be loaned to the state.

Capital stock reduced to 4,000,000 dollars.

II. *And be it further enacted*, That the capital stock of said bank is hereby reduced to four millions of dollars; and that subscription books, of one hundred dollars a share to the said capital stock of the said corporation now remaining unsubscribed, may be opened in the city of New-York, under the direction of the president and directors of the said bank, from time to time, and at such time or times as may be prescribed by the president and directors, and until the whole of the said capital stock shall be subscribed, the said president and directors giving at least ten days notice in two of the newspapers

printed in the city of New-York, of the place and of the time or times respectively of opening the said books.

III. *And be it further enacted*, That it shall be lawful for the said corporation to take upon all loans by them to be made for more than sixty days, besides days of grace, (except the loan herein provided for to this state) interest at and after the rate of seven per centum per annum, any thing in the act above mentioned to the contrary notwithstanding.

For loans longer than 60 days seven per cent interest may be demanded.

IV. *And be it further enacted*, That the said corporation shall, within sixty days from the passing of this act, under their corporate seal, signify to the comptroller of this state their acceptance of the terms of this act, otherwise this act shall cease and be of no effect.

Notice of their acceptance to be given within 60 days.

CHAP. LXXVII.

An ACT to incorporate the Jericho Turnpike Company.

Passed March 20, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Lewis S. Hewlett, Valentine Hicks, Major William Jones, Devine Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets, Lawrence Denton, and all such others as shall associate with them to make a good and sufficient turnpike road to begin at the eastern line of the town of Oyster-Bay, near the house of Obadiah Valentine, in Queens county, running from thence, on or near the road to the new school house in East-woods, from thence nearly a straight line through land belonging to John I. Hewlett and others, to near the house of Townsend Jackson, from thence on or near the road by the houses of William Jones, Fry Willis and Edmund Willis, to the village of Jericho, from thence on or near the post road westwardly to the house of James Poole, from thence on or near the same road until it intersects the Hemstead turnpike road at Benner's woods, in the town of Jamaica, shall be and are hereby created a body corporate and politic, in fact and in name, by the name and style of "The President, Directors and Company of the Jericho Turnpike Road," and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate so to be purchased and held shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

L. S. Hewlett and others incorporated.

Their style, &c.

II. *And be it further enacted*, That no part of the road to be made by virtue of this act shall be less than four rods wide, and that the bedding of said road shall not be less in breadth than thirty feet, except about sixty rods in length, through the village of Jericho, which distance on said road shall not be less

width of the road.

than three rods in width, and that the bedding thereof on the same distance shall not be less than twenty-four feet, any thing contained in this act, or any law to the contrary notwithstanding.

Stock.

III. *And be it further enacted*, That the capital stock of the said company shall consist of sixteen hundred shares of twenty-five dollars each, and that Lewis S. Hewlett, Valentine Hicks, William Jones, Devine Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets and Lawrence Denton, shall be and are hereby appointed commissioners to receive subscriptions for the the said stock in the manner directed in and by the act entitled "an act relative to turnpike companies," passed March 13, 1807.

Stock may be increased.

IV. *And be it further enacted*, That if after the said sixteen hundred shares shall have been appropriated by the president and directors of the said company in making and completing of the said road and the gates and toll houses on the same, and the sum so appropriated shall be found inadequate to the aforesaid objects, then and in such case, it shall and may be lawful for the president and directors of the said company, in order to complete the said road, to increase the stock of the said company, and call upon the stockholders to pay a further sum to be appropriated in an equal ratio, not exceeding five dollars upon each and every share of the said stock.

Committee to lay it out.

V. *And be it further enacted*, That the before mentioned Lewis S. Hewlett, Valentine Hicks, William Jones, Devine Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets and Lawrence Denton, shall be and hereby are appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions in all respects as are prescribed and contained in and by the aforesaid act entitled "an act relative to turnpike companies," herein before referred to, and execute and perform all the duties, matters and things therein mentioned as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

Rates of toll.

VI. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive at each of the two gates, one of which shall not be within one mile of the house of Adonijah Underhill in the village of Jericho, and the other not within one mile of Bennet's woods, at the little plain in the township of Jamaica, to be erected on the said road, from every person using the same, for any number of miles not exceeding ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, that is to say : for every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, ten cents ; and so in proportion for a greater or less number ; for every horse or mule and rider, or led horse or mule, five cents ; for every chair, chaise, gig or sulkey drawn by one horse, ten cents, and for every additional horse, five cents ; for every coach, coachee, chariot, phaeton or curricule drawn by two horses, twenty-five cents, and for every additional horse, five cents ; for every cart, stage waggon or other four wheeled carriage not before mentioned drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, four cents ; for every

cart, waggon, sleigh or sled drawn by one horse or mule, five cents ; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and for every additional horse mule or ox, three cents : *Provided always nevertheless*, That the president and directors of the said company may commute with any person or persons for the privilege of using the said road by the year or for any less time.

VII. *And be it further enacted*, That if any person shall pass either of the said gates on the said road without paying toll upon pretence of being exempted therefrom under the act before referred to, every person so offending, shall, for every such offence, forfeit and pay to the aforesaid company ten dollars, to be recovered in an action of debt by the treasurer of the said company in his own name, in any court having cognizance thereof ; and if any person claiming an abatement of toll, shall give false information to the collector of tolls of the distance he or she has travelled on the said road, every person so offending shall forfeit for each offence to the said company five dollars, to be recovered in an action of debt by the treasurer in his own name in any court having cognizance thereof.

Penalty for passing gates without paying toll.

VIII. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the before recited act, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act.

Privileges of the company.

CHAP. LXXVIII.

An ACT relative to Incorporations and the Division of Counties.

Passed March 26, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That when any association shall be formed for any purpose whatever, after the first day of July next, shall be disposed to make application to the legislature for an act of incorporation, or any company or association already incorporated shall be disposed to make application for any alteration in the law so incorporating them, it shall be the duty of the persons so associated, or the directors or stockholders of such incorporation, or some of them, to signify such their intention by advertisement, to be inserted for at least six weeks successively immediately before such application, in one or more of the newspapers printed in the county where the objects of such association or incorporation is carried or intended to be carried into effect, (and also in the newspaper printed by the printer to this state) and if no newspaper be printed in such county, then in the newspaper or papers nearest to the same, and shall specify the objects of such incorporation, the amount of capital stock requisite to carry their objects into effect ; and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice specifically the alteration so to be applied for ; and that due proof shall be made

LAWS OF NEW-YORK,

of such notice having been published previous to leave being given to bring in any bill to comply with any such application.

II. *And be it further enacted*, That the like notice shall be published of any application to divide any county within this state, or to erect any new county out of parts of counties.

CHAP. LXXIX.

An ACT for the Relief of Judgment and Mortgage Debtors to the People of this State.

Passed March 26, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the attorney-general, whenever any judgment in favor of the people of this state for any debt or damages, shall be satisfied or in any manner settled, pursuant to legislative provisions, to acknowledge satisfaction of record of such judgment.

II. *And be it further enacted*, That it shall be lawful for the comptroller whenever any mortgage given to the people of this state shall be satisfied or in any manner settled pursuant to legislative provisions, to execute a certificate to the mortgagor of such satisfaction or settlement, in order that the mortgage may be discharged of record; and that it shall be the duty of the secretary of this state and the clerk of the county in which any such mortgage shall be registered, to enter such certificate in like manner as is directed in cases of private mortgages.

III. *And be it further enacted*, That the entry of such certificate in the manner aforesaid, shall operate as a complete discharge of the mortgage therein mentioned; and that the person at whose request the entry shall be made, shall pay to the said secretary or clerk the sum of thirty-seven and an half cents.

CHAP. LXXX.

An ACT to incorporate the Stockholders of the Catskill Bank.

Passed March 26, 1813.

Company in-
corporated.

Their style,
&c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all persons by virtue of this act becoming stockholders of said bank, be and they are hereby ordained, constituted and declared to be from time to time, until the last Tuesday of May, which will be in the year one thousand eight hundred and thirty-three, a body politic and corporate, in fact and in name, by the name of "The President, Directors and Company of the Catskill Bank," and by that name, they and their successors until the said last Tuesday of May, in the said year one thousand eight hundred and thirty-three, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of the president, directors and

company of the Catskill bank, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation.

II. *And be it further enacted*, That a share in the said bank ^{stock.} shall be fifty dollars, and the number of shares shall not exceed eight thousand; and that Ira Day, Thomas B. Cook, John C. Hogeboom, Ralph Barker and Isaac Dubois, are hereby appointed commissioners, any three of whom to constitute a board for the purpose of opening books on the first Monday of May next, at some proper place in the village of Catskill, and that the same be kept open for three days successively, in which the president, directors and company of the bank of Hudson, or any person or persons authorised to subscribe and hold two thousand shares in the said Catskill bank, and be permitted to pay fifty dollars on each share, or any less sum, at such time or times and in such proportion as they may deem proper; and all other persons inclining to associate for the purpose of establishing a bank in the said village, shall subscribe such number of shares as they respectively wish, depositing at the same time with the said commissioners the sum of two and an half per cent on the amount of each share by them so subscribed, and if the number of shares so subscribed, exclusive of those subscribed by or for the president, directors and company of the bank of Hudson, shall exceed six thousand, the said commissioners shall apportion the excess among the several subscribers, as they shall judge discrete and proper, and the said commissioners shall be the inspectors of the first election of directors, and shall certify under their hands the names of those duly elected, and deliver over to them or to their order the subscription book together with the deposit money on the stock so subscribed.

III. *And be it further enacted*, That the stock, property, ^{Affairs how to be managed.} affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall hold their offices for one year, which directors shall be stockholders, nine of whom shall reside within the village of Catskill; and that the first election of directors shall be held in the village of Catskill, on the last Tuesday of May next, at the house now occupied by Terrence Donnelly, or at such other place as the majority of the stockholders there assembled shall appoint; and each succeeding election of directors shall be held thereafter on the last Tuesday of May in each year, at such time and place in the village of Catskill as a majority of the directors for the time being (who shall upon all occasions constitute a board for the transacting of business) shall appoint, notice whereof shall be given by the said directors in one or more newspaper printed in the village of Catskill at least thirty days previous to the day of holding such election, and the said election shall be held and made by such of the stockholders of said bank as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and all elections shall be by ballot, each share entitling its owner to a vote, and the thirteen persons who shall have the greatest number of votes, eligible as aforesaid, shall be directors; and if it should happen at any election that two or more persons have an equal number of

^{Election how to be made.}

votes, then the said directors in office at the time of such election, or a majority of them, shall proceed to ballot and by plurality of votes determine which of said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of thirteen ; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president, and whenever any vacancy shall happen among the directors by death, resignation or otherways, such vacancy shall be filled for the remainder of the year in which it shall so happen, by such person or persons as the rest of the directors, or a majority of them, shall appoint.

IV. *And be it further enacted*, That in case it should any time happen that an election of directors should not take place on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

V. *And be it further enacted*, That in case the said number of eight thousand shares shall not be subscribed on the books directed by this act to be opened by the commissioners aforesaid, subscriptions shall be kept open under the direction of the president and directors of said bank, at such times and places as they shall think proper, until the said number of shares be subscribed.

VI. *And be it further enacted*, That the directors for the time being, or a major part of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and of all such other matters as appertain to the business of a bank, and shall have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet : *Provided*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States nor of this state ; and provided no by-law shall be made prohibiting the directors from discounting notes as low as twenty-five dollars.

VII. *And be it further enacted*, That the said bank shall be established and kept, and the business thereof at all times after the organization of the same, shall be transacted at such place within the said village of Catskill as the president and directors may deem proper.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the said bank, shall not exceed three times the amount of the capital stock subscribed and actually paid into said bank, and in case of excess the directors under whose administration it shall happen, shall be liable for the same, in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate

President
how to be
chosen.

Books may be
kept open un-
til all the
shares are
subscribed.

Directors
may make
by-laws.

Bank to be
kept at Cat-
skill.

Total debt
not to exceed
three times
the amount
of capital.

real or personal which they may hold as a body corporate, from being also liable for and chargeable with such excess; but such of the directors who have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained upon such debts: *And further*, the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandises or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

The corporation shall not hold lands unless necessary for their accommodation.

X. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation which shall be made to any person or persons, shall be assignable by endorsement thereupon under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each or every assignee or assignees respectively; and to enable such assignee or assignees to bring or maintain an action thereupon in his, her or their own name or names, and bills or notes which may be issued by order of the said corporation promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills assignable.

XI. *And be it further enacted*, That it shall be lawful for the directors, for the time being, to call and demand from the stockholders respectively (excepting the shares held by or for the president, directors and company of the bank of Hudson) all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon to the said company; always, however giving thirty days previous notice of such call and demand in one of the newspapers to be published as aforesaid.

Monies subscribed may be demanded.

XII. *And be it further enacted*, That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the last Tuesday of May, which will be in the year one thousand eight hundred and fourteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed notwithstanding.

This act not to be forfeited by any non-user.

Dividends
how to be
made.

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank as to them, or a majority of them shall seem advisable, and that every cashier and clerk before he enters upon the duties of his office shall give bond with two or more securities to be approved by the directors for the time being, or a majority of them, in a sum not less than ten thousand dollars for such cashier, and two thousand dollars for such clerk, conditioned for the faithful discharge of their several duties.

Rate of in-
terest.

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per cent per annum.

President and
directors
shall not de-
mand pay.

XV. *And be it further enacted*, That it shall not be lawful for the president and directors of the said Catskill bank to ask, demand or receive any compensation for their services as directors.

The presi-
dent and di-
rectors of the
bank of Hud-
son may op-
en an office
of discount
at Coxsackie

XVI. *And be it further enacted*, That it shall be the duty of the said president, directors and company of the bank of Hudson, in case of subscribing as aforesaid, to withdraw their office of discount and deposit from the village of Catskill, and it shall be lawful for them to establish a like office of discount and deposit in the town of Coxsackie, with the same powers and under the same restrictions as are given and prescribed in the act authorising the establishment of said office of discount and deposit in the village of Catskill aforesaid.

This a pub-
lic act.

XVII. *And be it further enacted*, That this act be and it is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

CHAP. LXXXI.

An ACT for the Relief of the Collectors of Taxes of the several towns therein mentioned.

Passed March 26, 1813.

Preamble.

WHEREAS it is represented to the legislature, that by reason of sickness, the collectors of the towns of Sempronius and Owasco were severally unable to attend at the office of the treasurer of the county of Cayuga within the time prescribed by law, in order to complete their returns of the arrears of taxes for the present year, as required by the act entitled "an act for the assessment and collection of taxes," passed April 8th, 1801, and did accordingly take oath, as prescribed by the said act, before one of the magistrates of the said county: Therefore,

Treasurer of
Cayuga coun-
ty to pay ar-
rears of taxes

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be the duty of the comptroller to accept of the said returns of the arrears of taxes from the treasurer of the said county of Cayuga, in the same manner as if the said collectors had taken the oath before the said treasurer, and the comptroller is hereby authorised and required to proceed in the collection of the said taxes as in ordinary cases.

II. *And be it further enacted*, That it shall and may be law-

ful for the treasurer of the said county of Cayuga at any time before the first day of May next, to settle with the collectors of the towns of Wolcott and Cato, the taxes of the said towns for the year one thousand eight hundred and twelve, in the manner prescribed by the above recited act; and it shall be and hereby is made the duty of the said treasurer, within twenty days thereafter to transmit to the comptroller the returns of the arrears of taxes for the said towns, and the comptroller is hereby authorised to accept of the same and to proceed in the collection of said taxes as in ordinary cases

To settle with the collectors of Wolcott and Cato.

III. *And be it further enacted*, That the treasurer of the county of Washington shall be and he is hereby authorised and required to settle the accounts of the collector in the town of Thurman in the said county, for the year one thousand eight hundred and twelve, on or before the tenth day of May next, in the same manner as he might have done, had the same been presented for settlement on the first day of February last, and shall within twenty days thereafter transmit the transcripts of unpaid taxes on non-residents to the comptroller, who is hereby required to receive and proceed to collect the same as the law directs.

Treasurer of Washington to settle certain accounts

IV. *And be it further enacted*, That the treasurer of the county of Genesee be and he is hereby authorised and required to settle the accounts of the collector of the town of Leicester, in the county of Genesee, for the year one thousand eight hundred and twelve, on or before the first day of July next, in the same manner as he might have done had the same been presented for settlement on the first day of February last, and shall within twenty days thereafter transmit the transcripts of unpaid taxes on non-residents to the comptroller, who is hereby required to receive and proceed to collect the same as the law directs.

Treasurer of Genesee to settle certain accounts.

CHAP. LXXXII.

An ACT for the Relief of Abigail Green, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton.

4 Passed March 26, 1813.

WHEREAS Stephen Allen, on the second day of August, one thousand eight hundred and three, became entitled as occupant to the pre-emption of lot number one hundred and twenty-eight, in the town of Scipio, in the county of Cayuga, on the east side of the Cayuga lake, in the late Cayuga reservation, containing two hundred and fifty acres of land, at the price of five dollars and fifty cents per acre, payable by instalments according to the act entitled "an act for the sale of the unappropriated lands, and for other purposes," passed April 5, 1803, and before the tenth day of May, one thousand eight hundred and five, paid the whole consideration into the treasury but did not obtain letters patent for the said lot: And whereas on the twenty-second day of March, one thousand eight hundred and nine, the commissioners of the land-office sold the same lot by mistake to Jacob Mancius for the sum of thirteen hundred and seventy-five dollars, under the supposed authority of the

Preamble.

"act for the disposal of the lands remaining the property of this state," in the late Indian reservation, passed February 28th, 1806, and on the twenty-eighth day of October, one thousand eight hundred and eleven, letters patent were issued to the said Jacob Mancius for the same lot, and afterwards, to wit, on the fifth day of March, one thousand eight hundred and twelve, letters patent were likewise issued for the said lot to the said Stephen Allen, containing special recitals, and on the supposed ground that the former patent to the said Jacob Mancius was inoperative and void, but the supreme court having in January term last determined that the patent to the said Jacob Mancius was valid, and having given judgment in actions of ejectment instituted in that court for the recovery of the said lot in favor of the said Jacob Mancius against Abigail Greene, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton, the occupants and purchasers of the said lot from the said Stephen Allen: Therefore,

Claims of J.
Mancius to
be extin-
guished.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the commissioners of the land office be, and they are hereby authorised to extinguish the claim of the said Jacob Mancius, his heirs and assigns, of, in and to the said lot, in such way and manner as they shall deem right and just, or according to the provision contained in the ninth section of the act "relative to the sale of lands belonging to the people of this state," passed March 15, 1811, and upon such extinguishment, to receive from the said Jacob Mancius, his heirs or assigns, a conveyance to the people of this state of all his and their claim to the said lot, which conveyance shall enure to the benefit of the said Abigail Green, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton, their heirs and assigns.

Comptroller
to audit cer-
tain costs.

II. *And be it further enacted,* That the comptroller shall audit and allow the reasonable costs and charges which the said Abigail Greene, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton, or either of them, have sustained or been put to, by reason of the actions of ejectment instituted against them or either of them, as aforesaid, and such other reasonable sums of money as they or either of them, shall appear to be equitably entitled to, in relation to the said lot, or in procuring the patent issued to the said Stephen Allen, and the comptroller shall draw his warrant on the treasurer for payment of the monies hereby directed to be so audited and allowed.

CHAP. LXXXIII.

An ACT for the Relief of Archibald Burges.

Passed March 26, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to Archibald Burges in fee for two hundred acres of land, in a tract set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for the services of the said Archibald Burges, rendered as a soldier in the line of this state during the revolutionary war.

CHAP. LXXXIV.

An ACT appointing Commissioners to lay out the Roads therein mentioned within the counties of Ontario, Seneca, Cayuga and Onondaga.

Passed March 26, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Gilbert Howell of Ontario, Jonas Seely of Seneca, and Isaac Smith of Cayuga, be and they are hereby appointed commissioners to lay out the following roads, to wit: the first to begin at or near the sixty-one mile post at the north end of the Seneca lake, in the line between the counties of Ontario and Seneca, or as near the line as the ground will admit, to the bridge over the Canandaigua outlet, near the house of Henry Cruger, in the town of Galen, thence on the nearest and most eligible route to the south end of Great Sodus bay; the other of which to begin at the village of Oswego, and running a southwesterly course through the towns of Hannibal, Sterling and Wolcott, so as to intersect the road leading from Great Sodus bay to the block house in the town of Galen at the bridge over the Canandaigua outlet, and cause the survey and map of the same to be lodged with the clerks of the several counties through which the same shall be laid out, and that the same when so laid out shall be deemed and considered as public highways, and shall be opened and kept in repair by the inhabitants of the several towns through which the same shall pass.

II. *And be it further enacted,* That each of the said commissioners shall be allowed for his services as aforesaid two dollars per day, for each and every day he shall be employed in the same; and it shall be the duty of the respective boards of supervisors of the several counties through which the said roads shall be laid out, to make provision for such compensation as soon as may be after the performance of the service hereby required.

CHAP. LXXXV.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Whitesborough, and for other purposes.

Passed March 26, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the district of country comprehended within the following bounds, to wit: beginning on the south bank of the Mohawk river, at the mouth of the Sadaqueda creek, thence running southerly on the west line of Cosby's manor to a point opposite the southerly line of the lot on which stands the Oneida cotton factory, thence northwesterly along said line and to the southeast corner of the house lot of Arthur Breece, from thence northerly to the intersection of the road leading from the house of Jesse Dodge to the old Genesee road, from thence northerly until the line strikes a point on the west side of the main road leading from Whitesborough to Rome, where the west line of the Sadaqueda patent intersects Bounds of the village.

said road, thence northerly on the line of said patent to the Mohawk river, thence down said river to the place of beginning, shall continue to be known and distinguished by the name of the Village of Whitesborough; and the freeholders and inhabitants residing within said village, qualified to vote at town meetings, may on the second Tuesday in May next, meet at some proper place in said village, to be notified to the inhabitants of said village at least one week previous to said second Tuesday in May by any justice of the peace of the county of Oneida, and then and there proceed to elect by ballot five freeholders, resident within the said village, to be trustees thereof, and such justice shall preside at said meeting and declare the five persons having the greatest number of votes as duly elected trustees, and on every second Tuesday of May after the said first election of trustees, there shall in like manner be a new election of trustees for the said village, and the trustees of the said village for the time being, shall preside at such elections and notify the meetings of the inhabitants for that purpose in the same manner as said justice is authorised to notify and preside at said first meeting.

Privileges of
the inhabit-
ants.

Election.

Style and
powers of
the trustees.

II. *And be it further enacted*, That the freeholders and inhabitants residing in the aforesaid village, are hereby constituted and declared to be a body politic and corporate by the name of the "Trustees of the Village of Whitesborough," and by that name they and their successors shall have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended in all courts and places whatever, in all manner of actions and causes, and may have a common seal and alter the same at pleasure, and shall be capable of purchasing, holding and conveying any estate real or personal, for the use of said village, and of erecting any public buildings for the use of said village, and of raising money by tax, not exceeding three hundred dollars in one year, for purchasing of land, for erecting and repairing public buildings, for purchasing and keeping in repair fire-engines, ladders, buckets and other utensils for the extinguishing of fires, and for erecting markets and hay scales, and for making any other necessary improvements in said village: *Provided*, That no tax shall be laid, levied or collected, and no purchase or sale of any real estate shall be made, and no public building erected or disposed of without the consent of the major part of the freeholders and inhabitants of said village attending at their annual meeting for the election of trustees first obtained.

Proviso.

Trustees may
make by-
laws.

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or the major part of them, to make and publish such prudential by-laws, rules and regulations, not inconsistent with the laws of this state or the United States, as they shall think proper, relating to the prevention or extinguishing of fires, to the protection or preservation of the side-walks on the highways and streets of said village, to preventing of nuisances and horse racing in said village, to the erection and regulation of markets and hay scales, and to the prevention of the running at large in the said village of horses and swine.

Penalty for
violating
them.

IV. *And be it further enacted*, That the said trustees or the major part of them, may make, ordain and impose such fines for

the breach of their by-laws, rules and ordinances as they shall think proper, not exceeding twenty-five dollars for any one offence, to be recovered before any justice of the peace or court having cognizance thereof, for the use of said corporation.

V. *And be it further enacted*, That the freeholders and inhabitants of said village shall at their annual meeting in every year hereafter, choose one collector and one treasurer, being freeholders of said village; and in case a vacancy shall happen in either of said offices during any year, it shall be the duty of the trustees or a major part of them, within ten days thereafter, to appoint some suitable person to fill such vacancy, and the person to be so appointed shall be vested with like powers and be subject to the same restrictions and penalties, as if elected by the freeholders and inhabitants of said village.

Transferor
and collector
to be chosen.

VI. *And be it further enacted*, That the said trustees, treasurer and collector, shall within ten days after their election, and before they proceed to execute their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace of the county of Oneida, for the faithful execution of the office to which they may severally be elected.

They shall
take an oath.

VII. *And be it further enacted*, That the treasurer and collector to be annually elected shall, before they enter on the execution of their offices respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

And give security.

VIII. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid, shall be elected or chosen a trustee, and having notice of his said election, shall refuse or neglect to take upon him said office, it shall be lawful for the trustees who do accept said office to impose, at their discretion, a fine on any person so neglecting or refusing, not exceeding twenty-five dollars, to be recovered in the same manner as other fines and penalties are to be recovered by virtue of this act, and to the use of said village, and that in all cases where any fine or penalty is imposed by virtue of this act, the same shall be recovered by an action in the name of the corporation before any proper court; and it shall be sufficient for the trustees in any such action to declare, that the defendant is indebted to the said trustees by virtue of this act, and to give the special matter in evidence.

Penalty for
not serving
when elected

IX. *And be it further enacted*, That it shall be lawful for the trustees of said village, or the major part of them, to appoint not exceeding twenty-five firemen, and the same or any one of them, to remove at their pleasure, and appoint others in their stead.

Firemen may
be appointed.

X. *And be it further enacted*, That it shall be the duty of the said trustees annually to assess on the several inhabitants of the said village, the amount of the taxes which the freeholders and inhabitants of the said village shall at their annual meeting determine to be raised and collected, in proportion to the advantages which the said trustees shall deem to result to each such inhabitant from the said taxes: *Provided*, That if any person shall conceive him or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the determination of said trustees to any three justices of the peace in the county

Assessments
may be
made.

of Oneida, giving notice to the said trustees of such appeal, and of the time and place of determining the same, and the determination of said justices shall be final in the premises.

President and clerk to be appointed.

XI. *And be it further enacted*, That the said trustees within ten days after their election, or the major part of them, shall meet and appoint one of their body to be president, and some suitable person to be clerk of said village; and it shall be the duty of the president to appoint the meetings of the trustees and preside thereat, to receive complaints of the breach of any of the by-laws, to see that all the by-laws are faithfully executed, and to prosecute in the name of the trustees all offenders against such by-laws, and with the consent of the trustees to appoint under his hand and the seal of said village the firemen of said village, and to see to the preservation of the public property of said village; and in case of the death or absence of the president, his place shall be supplied in such manner as the trustees shall determine; and it shall be the duty of the clerk to record all the votes, orders and regulations of the freeholders and inhabitants of said village, and to attend the meetings of the trustees, and to record the laws and orders of the trustees, and the trustees may remove their clerk and appoint another, and appoint a clerk pro tempore.

Collector's duty.

XII. *And be it further enacted*, That the collector of said village shall within such time as shall be provided for by the by-laws of the corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer, and the collector shall have all the powers in collecting such tax by distress and sale as the collectors of towns have in the collection of taxes, and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeable to the laws of the corporation.

The act relative to the village of Whitehall landing revived.

XIII. *And be it further enacted*, That the act entitled "an act to vest certain powers in the inhabitants in the village of Whitehall landing," and the act to amend the same, passed 9th April, 1811, be and hereby are revived and in full force, and that it shall be lawful for the said inhabitants on the first Tuesday in May next, to meet and elect the officers of the said corporation in the same manner as if they had held their elections according to the provisions of the acts aforesaid.

CHAP. LXXXVI.

An ACT to authorise the Supervisors of the county of Onondaga to raise Money by Tax to build a fire-proof Clerk's Office in said county.

Passed March 26, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the supervisors of the county of Onondaga are hereby authorised to levy a sum, not exceeding one thousand dollars, for the purpose of building a fire-proof clerk's office in said county, to be levied, collected and paid in the same manner as other contingent charges are levied, collected and paid.

II. *And be it further enacted*, That it shall be the duty of the said supervisors to designate some proper place for the site of said office, and appoint three discreet freeholders of the county of Onondaga to superintend the building of said office, whose duty it shall be to superintend said building and render a just and true account to the board of supervisors of said county.

CHAP. LXXXVII.

An ACT to incorporate the Female Association of the city of New-York, and to amend the act relative to the Geneva Friendly Society.

Passed March 26, 1813.

WHEREAS by a petition presented to the legislature, it is represented that a number of young women, professing with the society of friends, have formed an association in the city of New-York for the very humane, charitable and laudable purpose of visiting the poor sick, and instructing in school learning the children of such persons who are not provided for, and who do not belong to any religious society : Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons of the female sex as now are or who shall hereafter become annual subscribers to the amount of five dollars to the said association, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Female Association of the City of New-York," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal, and change the same at their pleasure, and by that name and style be capable in law of purchasing, holding and conveying any estate, real and personal : *Provided* such estate shall never exceed forty thousand dollars, nor be applied to any other purposes than those for which this corporation is formed.

Society incorporated.

Their style &c.

Proviso.

II. *And be it further enacted*, That the estate and concerns of the said corporation shall be managed, directed and disposed of by a board of trustees, to be composed of twelve members of the said association, to be elected by a plurality of ballots of the members resident in the city of New-York and present at such election, yearly on the first Monday of June, at such place as the board of trustees may from time to time appoint, and of which sufficient notice shall be given ; and if any vacancy shall happen by death, resignation, or otherwise, the same shall be filled by the vote of the major part of the board of trustees for the time being ; and until the election of trustees, the persons now considered acting in that capacity shall be the board of trustees.

12 trustees to be appointed.

III. *And be it further enacted*, That the board of trustees shall at least once in every year exhibit to the members of said corporation who are desirous of examining the same, an exact account of the receipts and disbursements of the preceding year.

Accounts to be exhibited yearly.

By-laws may
be made.

IV. *And be it further enacted*, That the said board may from time to time make by-laws, ordinances and resolutions relative to the management, disposition of the estate and concerns of the said corporation, and all such regulations as may appear to a majority of the said board necessary in order to carry into effect the intent and design of said association.

Duration of
this act.

V. *And be it further enacted*, That this act shall continue and be in force until the first day of January one thousand eight hundred and thirty-three.

This a pub-
lic act.

VI. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably for every humane, charitable and laudable purpose therein contained; any bequest, devise or donation to this corporation within the limits prescribed by this act shall be good and sufficient.

The society
shall be al-
lowed a share
of the school
fund.

VII. *And be it further enacted*, That the corporation hereby created shall be allowed a share in the distribution of the school fund for the city and county of New-York, in the same proportion and manner as the free school society of New-York and the charity schools in the said city are entitled by the act in such case made and provided.

Powers of the
Geneva
friendly so-
ciety extend-
ed.

VIII. *And be it further enacted*, That it shall be lawful for the Geneva friendly society to appropriate such parts of their funds as they may deem proper for the relief of such of the members belonging to said society, or of the families of such members as may be reduced in their circumstances by fire, or other unavoidable accidents, any thing in the act incorporating the said society to the contrary notwithstanding.

CHAP. LXXXVIII.

An ACT for the Relief of Birdsey Norton, Alpheus Richards, and the Heirs of Samuel Richards, deceased.

Passed March 26, 1813.

WHEREAS Elisha Beach, executor of the last will and testament of Birdsey Norton, late of Goshen, in the state of Connecticut, deceased, Hetman Norton, administrator of the goods and chattels, rights and credits of Nathaniel Norton, late of the town of Bloomfield, in the county of Ontario, deceased, and Ebenezer F. Norton and Alpheus Richards, administrators of the goods and chattels, rights and credits of Samuel Richards, late of the town of Canandarqua, in the county aforesaid, deceased, have presented to the legislature their petition, setting forth that the said Nathaniel Norton, in his life time, was seised of sundry parcels of real estate within this state in trust for the said Birdsey Norton, Samuel Richards and Nathaniel Norton, who were co-partners in trade, under the firm of Nortons and Richards, which co-partnership was dissolved by the death of the said Samuel Richards, and of sundry parcels of real estate, situate as aforesaid, in trust for the said Birdsey Norton, Nathaniel Norton and Alpheus Richards, who were co-partners in trade under the firm of Nathaniel and Birdsey Norton, which co-partnership was dissolved by the death of the said Nathaniel Norton; that the said Nathaniel Norton died intestate, leaving

two children and one infant grand child, his heirs at law, without having released to his aforesaid co-partners and the heirs of the said Samuel Richards their respective shares in the said real estate, and praying that the said Heman Norton may be authorised by law to execute deeds of conveyance of the aforesaid real estate to the surviving co-partner of the aforesaid firms, and to the heirs at law of the said Samuel Richards and Birdsey Norton, according to their respective rights therein: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the said Heman Norton to execute good and sufficient deeds of conveyance to the aforesaid Alpheus Richards, and the heirs at law of the said Samuel Richards and Birdsey Norton, deceased, thereby granting and conveying to them in severalty their respective proportions of the said real estate whereof the said Nathaniel Norton was seised in trust as aforesaid, according to their respective rights and interests as ascertained by the terms of the aforesaid co-partnerships, or to such person or persons as any of the said parties shall or may have appointed, and that upon the execution and delivery of the said deeds of conveyance, the same shall be as good and effectual in law and equity to pass to the respective grantees thereof the estates therein conveyed as if the same had been executed by the said Nathaniel Norton in his life time; *Provided,* That before the deed or deeds for the said real estate shall be valid and effectual, the chancellor of this state shall indorse on such deed or deeds a certificate of his approbation of the form thereof.

CHAP. LXXXIX.

An ACT for the Relief of the Representatives of William Howe Cuyler, deceased.

Passed March 26, 1813.

WHEREAS Eleanor Cuyler, widow and relict of William Howe Cuyler, late of the town of Palmyra, in the county of Ontario, deceased, and Joseph Colt, Nathan Cumstock and Jacob W. Hallett, administrators on the estate of the said William Howe Cuyler, have by their joint petition to the legislature set forth, that the said William Howe Cuyler died seised of a considerable landed estate, leaving three minor children, the youngest not more than fourteen months old; that the said William Howe Cuyler in his life time had, by articles of agreement, contracted to sell and convey sundry tracts of land to certain individuals, therefore prayed that trustees be appointed to execute conveyances pursuant to the said contracts.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Noah Porter, Pardon Durfee and Darius Cumstock, of the said town of Palmyra, be and are hereby appointed trustees, with full power to them or any two of them to execute conveyances pursuant to contracts entered into by the said William Howe Cuyler, deceased, which conveyances shall be as good and effectual in the law as if the same had been executed by the said William Howe Cuyler in

his life time : *Provided always*, That such conveyances shall not conclude the heirs of the said William Howe Cuyler, deceased, unless the chancellor of this state shall endorse on the same respectively a certificate that he is satisfied with the form of such conveyances, and that they are made in pursuance of existing and valid contracts entered into by the said William Howe Cuyler in his life time.

II. *And be it further enacted*, That the said trustees before they enter upon the execution of their said trust shall execute a bond to the infant children of the said deceased in such penalty and with such sureties as the chancellor shall direct, conditioned for the due and faithful execution of said trust.

III. *And be it further enacted*, That the monies which shall arise from the sale of such lands in virtue of this act shall be considered as assets in the hands of the said administrators for the payment of the debts of the said deceased.

CHAP. XC.

An ACT relative to the Sittings appointed to be held in the city of New-York on the first Monday of April, 1813.

Passed March 26, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That no sittings shall be held in the city and county of New-York prior to the next May term of the supreme court, any order of the said court for that purpose to the contrary notwithstanding.

CHAP. XCI.

An ACT to prevent Trespasses on Indian Lands within this state.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That if any person hereafter shall trespass on any land belonging to any Indian tribe within this state, by cutting timber thereon, such person shall forfeit and pay the sum of twenty-five dollars for every tree they shall cut, to be recovered with costs of suit in any court having cognizance thereof.

II. *And be it further enacted*, That it shall be the duty of the Indian agent to prosecute all persons offending against this act, and to pay over all monies to be recovered for trespasses committed in violation thereof, to the Indian tribe on whose land such trespasses shall be committed : *Provided however*, That nothing contained in this act shall be construed to prohibit the cutting of timber to improve or erect bridges on any road leading through such Indian lands.

CHAP. XCII.

An ACT to amend an act entitled "an act to incorporate the New-York Manufacturing Company."

Passed April 2, 1813.

WHEREAS the president and directors of the New-York manufacturing company have by their petition set forth that the directors named in the act hereby amended are to hold their offices no longer than until the first Tuesday of April, in the year of our Lord one thousand eight hundred and thirteen, and that no provision is made in said act for an election of directors until the first Tuesday of July thereafter; and whereas the prayer of said petition appears reasonable,

BE it therefore enacted by the people of the state of New-York, represented in Senate and Assembly, That the present directors of the New-York manufacturing company shall hold their offices until the first Tuesday of July in the year of our Lord one thousand eight hundred and thirteen.

CHAP. XCIII.

An ACT relative to the Minutes of the Court of Chancery.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the chancellor shall be and is hereby authorised to cause such of the minutes of the court of chancery of this state as shall in his opinion require it, to be fairly transcribed into books to be provided for that purpose, in such manner and under such regulations as to him shall appear proper for truly transcribing and effectually preserving the same, and that after such transcripts shall have been duly compared with their originals and shall have been approved by the chancellor, the same shall be deemed to be and shall have like effect as if they were original minutes of the said court.*

II. *And be it further enacted, That the like allowances for such transcribing shall be made as was allowed to the secretary of this state for transcribing certain records in his office, and shall with all incidental expenses relating thereto be directed to be paid by the chancellor out of any money of the people of this state in the said court arising from the interest of the general fund thereof.*

CHAP. XCIV.

An ACT for the Relief of Hannah Niles, Administratrix, and the Heirs of John Niles, deceased.

Passed April 2, 1813.

WHEREAS Hannah Niles, widow and administratrix of the late reverend John Niles, hath by her petition to the legislature set forth, that the said John Niles died intestate, and was seised of a certain house and out lots in the village of Bath and county of Steuben, and praying to be enabled to sell the rights of the minor heirs for the purpose of enabling her to raise and educate

them, and to pay any debts which may be due and owing by the said John Niles in his life time ; Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the reverend David Higgins, Elias Hopkins and Samuel L. Haight be and they are hereby appointed trustees, with full powers to them to grant, bargain and sell the equal and undivided rights of the minor heirs of the said John Niles, and that they may execute good and sufficient deeds and conveyances in the law for the same to the purchasers thereof.

II. *And be it further enacted*, That the said trustees shall appropriate the monies so arising from the sales of the said property to the discharging of the debts of the said John Niles, if any shall exist after they shall have been certified by the chancellor of this state as due from the estate of the said John Niles, and the remainder of the monies arising from the sale of the said house and out lots, after all reasonable charges are paid, shall be by the said trustees applied towards the raising and educating the said children.

III. *And be it further enacted*, That the said trustees before they enter upon the execution of the said trust, shall execute a bond to the said heirs, with two sureties to be approved by the surrogate of the county of Steuben, in such sum as the said surrogate shall direct, conditioned for the due and faithful performance of said trust, which bond shall be filed in the office of the surrogate for the use of the said heirs.

IV. *And be it further enacted*, That in case the said trustees, or any of them refuse to act, or die before the execution of said trust shall be completed, then it shall be lawful for the chancellor of this state to appoint and fill such vacancy or vacancies by appointment under his hand, who shall in all respects conform to the directions of this act.

CHAP. XCV.

An ACT to improve the Road from the town of Warrensburgh, in the county of Warren, to the town of Chesterfield, in the county of Essex.

Passed April 2, 1815.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That James Starbuck and Israel Johnson be and they are hereby appointed commissioners for opening and improving the road from William Hough's, in the town of Warrensburgh, in the county of Warren, to Chesterfield, in the county of Essex ; and in case either of the said commissioners shall die, neglect or refuse to perform the duties for which they are appointed, it shall be lawful for the person administering the government of this state for the time being to appoint a suitable person or persons, as the case may be, to perform such duties, who shall have the like powers as are hereby given to the said James Starbuck and Israel Johnson.

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, out of the first monies which shall be received into the treasury from James Caldwell, the sum

of five thousand dollars, to the commissioners appointed in pursuance of this act.

III. *And be it further enacted*, That the commissioners appointed or to be appointed in pursuance of this act, shall execute a bond to the people of this state, with two or more sufficient sureties, in the penal sum of ten thousand dollars, conditioned to render a true and faithful account of all monies to be received by such commissioners in pursuance of this act; and the said commissioners shall be entitled to two dollars per day for each day they shall be necessarily employed in opening and making said road.

CHAP. XCVI.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the village of Sing Sing, in the county of Westchester.

Passed April 2, 1813.

WHEREAS it hath been represented to the legislature by the freeholders and inhabitants of the village of Sing Sing, in the county of Westchester, that the existing laws are very inadequate to answer the end of enabling them to regulate their interior police: Therefore, Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the district of country in the town of Mount-Pleasant, contained within the following limits, that is to say: beginning at the Hudson river, where a run of water, between Daniel Delavan and Albert Orser, empties into the said Hudson river, north of Sing Sing, from thence eastwardly on a straight line to the house occupied by Charles Yeo, and including the said house, thence southwardly on a straight line until it intersects the Highland turnpike road on the south line of Samuel Rhodie's land, from thence westwardly on the south line of William Street's land to the Hudson river, and thence northwardly along the said river to the place of beginning, shall hereafter be known and distinguished by the name of "The Village of Sing Sing," and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the said limits, may on the first Tuesday of May next meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday of May, and then and there proceed to elect seven discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees; and on every first Tuesday of May after the first election of the trustees there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the freeholders and inhabitants of the village, and presiding at such election. 7 trustees to be chosen.
Election.

II. *And be it further enacted*, That all the freeholders and in-

Style and
power of the
trustees.

habitants residing within the aforesaid limits be and they are hereby ordained, constituted and declared to be from time to time and for ever hereafter, one body politic and corporate, in fact and in name, by the name of "The Trustees of the village of Sing Sing," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said village, and of erecting public buildings, such as fire-engine house or houses, and market house or houses, of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors who shall be freeholders of the said village, to be by the freeholders and inhabitants of the said village qualified to vote at town meetings, chosen at their annual meetings, collected by the collector of the corporation in like manner as taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected for erecting such public buildings, or making any other necessary repairs or improvements, no purchase of any real estate, no public buildings to be erected or disposed of without the consent of the freeholders and the legal voters of the said village, or the major part thereof, in open meeting duly notified, therein assented to and voted.

Proviso.

By-laws may
be made.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act to be chosen, and for their successors in office for ever, from and after the first Tuesday of May next, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as are relative to the streets and highways of the said village, and keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to public markets, relative to the number of inns and taverns to be licensed in the said village, relative to the restraining of geese, swine and cattle of every kind, relative to the inspection of weights and measures, relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating and ascertaining of the prices of any commodities or any articles of provisions (excepting the article of bread) that may be offered for sale: *Provided always*, That such by-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States.

Proviso.

Penalty for
a breach of
the by-laws.

IV. *And be it further enacted*, That the trustees, or a major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they

may think proper, the same not exceeding fifteen dollars for any one offence, to be prosecuted and recovered before any justices of the peace or court having cognizance thereof, with costs of suit, by the trustees, to and for the use of the said corporation.

V. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village of Sing Sing, or the major part of them, and their successors, at any time after the first Tuesday of May next, to make, ordain, constitute and publish a by-law prohibiting any baker or other person within the aforesaid limits, from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assessed in and for the city of New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees before any justice of the peace residing in the said village or the county of Westchester, in an action of debt, with costs of suit, for the use of the said corporation.

Bread how regulated.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Sing Sing, qualified to vote at town meetings, at their annual town meetings on the first Tuesday of May in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorised and empowered to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, one collector and as many fire-wardens as the trustees for the time being, or a major part of them, may order and direct, and at every such election the person or persons having the greatest number of votes for such offices respectively shall be deemed to be duly chosen, and in case a vacancy shall happen by the death, removal out of the said village, refusal or incapacity to serve of any of the assessors, the treasurer, collector or fire wardens, it shall be the duty of the trustees or a major part of them, within ten days thereafter to appoint some suitable person to fill such vacancy, and the person so to be appointed shall be vested with like powers and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of the said village as above mentioned.

Affessors, treasurer and fire-wardens how chosen.

VII. *And be it further enacted*, That the said trustees, treasurer, collector, assessors and fire-wardens, shall within ten days after each and every election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

They shall take an oath.

VIII. *And be it further enacted*, That the treasurer and collector hereafter to be elected shall before they enter upon the execution of their several offices, respectively give such security for the faithful performance of the trusts reposed in them as the major part of the trustees for the time being shall deem sufficient.

Treasures and collector to give security.

IX. *And be it further enacted*, That if any of the inhabitants of the said village qualified as aforesaid shall hereafter be elected or appointed a trustee, or to the office of assessor or fire-warden, and having notice of the said election, shall refuse, deny, delay or neglect to take upon him or them to execute

Penalty for refusing to serve.

such trust or office to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or a major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of fifteen dollars, all which said fines shall and may be recovered by an action of debt before any justice of the peace in the said county of Westchester, or court having cognizance of the same, to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation; that in all cases when the trustees of the village of Sing Sing are authorised, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare generally that the defendant or defendants is or are indebted to the trustees of the village of Sing Sing in the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees for the time being when thereunto required, and under such declaration to give the special matter in evidence.

President to
be chosen.

His duty.

X. *And be it further enacted*, That the trustees, within ten days after their being elected in every year hereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in the said village, and then to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present to preside at the meeting of trustees, to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any by-laws, to see that all the by-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against each by-law, to receive and lay before the trustees the returns of the fire-wardens, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire-utensils, engine-houses, and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of the said corporation.

Collector's
duty.

XI. *And be it further enacted*, That the collector shall within such time as shall hereafter be provided for by the by-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of the said village.

XII. *And be it further enacted,* That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or a major part of them, by a by-law of the said corporation shall provide. Accounts to be rendered.

XIII. *And be it further enacted,* That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever not lying or being within the limits of the said corporation, nor shall any of the inhabitants residing within the said limits be assessed to work on any roads or highways not within the limits of the said corporation. The corporation not to purchase real estate out of the village. Work on roads.

XIV. *And be it further enacted,* That the trustees to be elected by virtue of this act shall continue in office and be authorised and empowered to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Tuesday of May next following after their election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee. Trustees to hold their offices for one year, or until others are elected.

CHAP. XCVII.

An ACT to incorporate the Society of Mechanics in the village of Canandaigua, for the purposes therein mentioned.

Passed April 2, 1813.

WHEREAS James D. Bemis and others, mechanics and tradesmen of the town of Canandaigua and its vicinity, associated as a society under the style of "The Canandaigua Mechanic's Society," for the laudable purposes of protecting and supporting such of their brethren as by sickness or accident may stand in need of assistance, and of relieving the widows and orphans of those who may die in indigent circumstances, and also of providing the means of instruction for their children, by their petition presented to the legislature have prayed to be incorporated to enable them more beneficially to carry into effect their charitable intentions: Therefore, Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said James D. Bemis, together with James Sibley, N. G. Chesebro, Samuel Dike, Thayer Holden, John Brocklebank, John Wadsworth, Elisha Wright, John Hall, junior, Calvin Parker, Thomas Bliss, Eben Kellogg, Harvy Borron, John Ramsey, Horace Stewart, Elisha Younglove, Samuel Larned, Zebudee Larned, Dyer B. Draper, Daniel Randel, Rensselaer Keating, Benjamin Larned, Samuel Abby, Charles W. Pearsons, Aaron Ackléy, James Biddall, Asa Stanley, Gridley Seward, Robert Spencer, John A. Stevens, Martin Ballard, Absalom Shade, Harvey Harmon, Elisha Hickox, George Daman, Justice Winchel, Freeman Atwater, James Clement, Justice Dobbin, Moses J. D. Bemis and others incorporated.

Their style,
&c.

Proviso.

By-laws may
be made.

Proviso.

Officers of
the society.

Their powers.

Cleveland, Abner Bunnell, Thomas Beals, Benjamin Norris, Joshua Eaton, Benjamin W. Eaton and Rufus Hull, and all persons being mechanics or tradesmen and resident within the town of Canandaigua or its vicinity, who may become members of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the style of "The Canandaigua Mechanic's Society," and that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of "The Canandaigua Mechanic's Society," shall be capable in law of purchasing and conveying any estate, real or personal, for the public use of the said corporation: *Provided*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold shall only be such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet and to transact the business of the said corporation, and for the purpose of erecting a school or place of instruction for the children of the members of the said corporation, or such as may be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts: *And provided also*, That the amount of the real and personal estate which the said corporation are hereby enabled to hold shall not at one time exceed the sum of fifteen thousand dollars.

II. *And be it further enacted*, That the said society or corporation shall have and possess full power to make and prescribe all such by-laws, rules, ordinances and regulations as a majority of a quorum of the members, as herein after mentioned, shall from time to time be thought proper, touching the management and disposition of the stock, estate, property, funds and effects of the said society, and all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act established, and for no other purposes whatsoever: *Provided*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

III. *And be it further enacted*, That the officers of the said society shall be a president, a vice-president, a treasurer and secretary, who shall be citizens of the county of Ontario, to be appointed as herein after directed; and that the said president and vice-president, together with five trustees, also to be appointed as herein after provided, shall constitute a board to be termed, "the board of trustees;" that the said board of trustees shall possess full power to direct and manage the concerns of said society in the manner and for the objects that may be prescribed by the by-laws of the said society; that Benjamin Larned shall be the first president of the said society, Robert Spencer the vice-president, Asa Stanley the treasurer, and John A. Stevens

the secretary thereof; and that John Brocklebanks, John Wadsworth, Calvin Baker, Abner Bunnell and Gridley Seward shall be the first trustees of the same, and that the persons above named shall hold their respective offices until the second Thursday of February next, or until others be appointed in their places; the said president, vice-president, treasurer and trustees shall thereafter be chosen by ballot on the second Thursday of February annually, and elected by a majority of the members of the society, a quorum being present; the secretary shall be chosen by the board of trustees, and shall hold his office until another be appointed in his place; and it shall be his duty to attend all meetings of the board of trustees, and all meetings of the said corporation.

IV. *And be it further enacted,* That if any vacancies shall happen in the offices of president, vice-president or treasurer, by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen by a special election for that purpose, to be held and conducted in the same manner as the annual elections are holden, at such times and places as shall be prescribed by the by-laws of the said corporation; and if any vacancy shall happen in the office of secretary, the same shall be filled by the board of trustees, in such manner as shall be prescribed by the by-laws of the said corporation.

Vacancies
how filled.

V. *And be it further enacted,* That in case it should at any time happen that an election of trustees or other officers should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make such election in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Corporation
not to be dissolved for not
holding election on the
day appointed.

VI. *And be it further enacted,* That all elections and all meetings of the said corporation, shall be made and held in a place certain, to be fixed and determined by the by-laws of the said corporation, and that all such elections and meetings of the said corporation so to be held as aforesaid, twenty members thereof, and at all meetings of the board of trustees, five members thereof, including the president, or in his absence the vice-president, shall be considered as a quorum, and shall have full power to do and transact the business thereof; that the society shall hold four stated meetings in each year, one in every period of three months; and that all persons being mechanics or tradesmen, and resident in the town of Canandaigua or its vicinity, desiring to become members of the said corporation, shall be proposed to the said society by at least two members of the corporation, at a quarterly meeting next preceding that in which the question of his admission shall be proposed; that all such questions shall be determined by ballot and by the voice of two thirds of the members present; and all persons so admitted, on paying into the hands of the treasurer such sum of money as shall by the said by-laws be directed, provided the same shall not exceed the sum of five dollars, shall have their names entered in the general register, and shall be entitled to all the privileges and benefits arising therefrom; that the powers herein vested shall not extend to the levying or requiring from the members of

Elections
how conducted.

Stated meetings
to be held.

the said corporation any payments towards increasing the funds of the said corporation or for any other purposes, exceeding the sum of one dollar from each of the said members in any one year.

And to the end that the funds of the said corporation may never be diverted to any other than the charitable and benevolent ends and purposes of its institution,

Accounts to be exhibited to first judge of Ontario county.

VII. *Be it further enacted*, That the corporation shall once in every three years exhibit to the first judge of the county of Ontario a full and particular account of all the estate, real and personal, vested in the said corporation, attested by the oath of the treasurer thereof that the same is a true and perfect account together, with a particular account of all monies by the said corporation expended in the preceding three years, specifying the particular purposes to which they have been applied; and if it shall appear that any monies, except for necessary purchases or repairs of any buildings which may belong to the said corporation applicable solely to the uses in and by this act expressly mentioned and prescribed, or for other charges incidental to the management of the funds thereof, have been applied by the said corporation to any use other than for the support of indigent members of the said corporation, or the widows or children of any person having been a member thereof, or for the establishment and support of the school in and by this act contemplated to be erected and maintained for the instruction of the children of the members of the said corporation, he shall direct the district attorney for the district including the county of Ontario, ex-officio, to file an information against the said corporation in the court of general sessions of the peace in and for the said county of Ontario, and if upon a traverse the said corporation shall be found guilty and judgment shall pass thereupon, that thenceforth the said corporation shall cease and become null and void, and the estate, real and personal which it may then possess shall vest in the people of this state.

If the funds are misapplied, the corporation to be dissolved.

This a public act.

VIII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places, benignly and favorably for every beneficial purpose therein intended.

CHAP. XCVIII.

An ACT extending the Time, and continuing in force for a limited Period, certain Banking Incorporations in this state, and for other purposes.

Passed April 2, 1813.

Charter of the Merchant's and State bank extended.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the act entitled "an act to incorporate the stockholders of the Merchant's Bank in the city of New-York," and the act entitled "an act to incorporate the stockholders of the New-York state bank, and for other purposes," shall be and hereby are respectively extended and continued in force until the first Tuesday of June, one thousand eight hundred and thirty-two.

Comptroller to subscribe 600 shares to stock of each.

II. *Provided always, and be it further enacted*, That it shall and may be lawful for the comptroller of this state, and he is hereby authorised and required to subscribe to the capital stock

of each of the said banks, six hundred shares, in the name of the people of this state, for the use of the common school fund, to be paid for out of the said fund ; and that the treasurer of Union college shall and may subscribe for the use of the said college, four hundred shares to the capital stock of each of the said banks, and the capital stock of each of the said banks are hereby accordingly increased one thousand shares ; and that the treasurer of Hamilton college shall and may subscribe for the use of the said college, four hundred shares to the capital stock of each of the said banks, and the capital stock of each of the said banks is hereby increased accordingly : *Provided always*, That the trustees of the said colleges shall not vote upon the said shares so to be subscribed : *Provided always*, That on the shares so to be subscribed shall be paid into the said bank a sum not exceeding the amount paid by the former stockholders, and in like manner from time to time as calls may be made by the directors of said bank.

Union college 400 shares.

Hamilton college 400 shares.

Proviso.

III. *And be it further enacted*, That upon loans to be made by any of the banks within this state, other than to the people of this state, for periods exceeding six months, it shall be lawful for them to demand and receive interest at the rate of seven per centum per annum.

IV. *And be it further enacted*, That the respective acts incorporating the bank of New-York, the bank of Albany, the bank of Columbia, the Farmer's bank, and the bank of Hudson, and the several acts continuing and extending the same, or any of them, shall be and hereby are extended and continued in force until the first Tuesday of June, in the year one thousand eight hundred and thirty-two.

Charters of certain banks extended.

V. *Provided always, and be it further enacted*, That it shall and may be lawful for the comptroller of this state, and he is hereby authorised and required to subscribe the sum of fifteen thousand dollars to the capital stock of the bank of New-York, and the sum of five thousand dollars to the capital stock of the bank of Albany, in the name of the people of this state, for the use of common schools, to be paid for out of the common school fund ; and also that the treasurer of Union college for and in behalf of the trustees of said college, be and he is hereby authorised to subscribe the sum of twenty thousand dollars to the capital stock of the bank of New-York, and the sum of twenty thousand dollars to the capital stock of the bank of Albany, the sum of five thousand dollars to the capital stock of the Farmer's bank, and the sum of five thousand dollars to the capital stock of the bank of Hudson ; and also that the treasurer of Hamilton college, for and in behalf of the trustees of the said college, be and he is hereby authorised to subscribe the sum of fifteen thousand dollars to the capital stock of the bank of New-York, and the sum of fifteen thousand dollars to the capital stock of the bank of Albany, five thousand dollars to the capital stock of the Farmer's bank, and ten thousand dollars to the capital stock of the bank of Columbia, and five thousand dollars to the capital stock of the bank of Hudson ; and the capital stock of the said banks is hereby respectively increased to an amount equal to the sums authorised by this act to be subscribed on behalf of the people of this state, and the trustees of Union college and the treasurer of Hamilton college : *Provided always*, That the trustees of Union college and the trustees of Hamilton

Comptroller directed to subscribe to their stock.

Treasurer of Union college

And of Hamilton college may subscribe.

college shall not be entitled to vote for directors upon the shares to be subscribed for the use of the said colleges.

Trustees of
Columbia
college may
subscribe.

VI. *And be it further enacted*, That it shall be lawful for the trustees of Columbia college, with the consent of the directors of the banks mentioned in this act, to subscribe to the capital stock of each of the said banks to the extent hereby authorised and granted to the trustees of Union college, and in case such subscription shall be made, the capital stock of the banks where it is made shall be increased to the amount of such subscription: *Provided always*, That the trustees of Columbia college shall not be entitled to vote for directors on such subscriptions.

CHAP. XCIX.

An ACT to amend an act entitled "an act concerning the Clerks of the Supreme Court of this state, and for other purposes."

Passed April 2, 1813.

Notice to be
published re-
lative to
debts due for
services done
by clerks of
sup. court.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller of this state be and he is hereby directed forthwith to publish a notice in a newspaper printed in each of the great districts, once in a week for six weeks successively, requiring all persons indebted to the people of this state for fees on account of services done by either of the clerks of the supreme court, to pay the sums in which they are respectively indebted to the treasurer of said state within twelve weeks from the date of said notice, which notice and demand shall be deemed a sufficient notice and demand, and an affidavit of such publication accompanying a copy thereof by the several printers who shall publish the same, taken before a commissioner authorised to take affidavits to be read in the said court, shall on the trial of any cause for the recovery of fees for services by the said clerks respectively, be received as conclusive evidence of the making such demand and publishing of such notice; and the said comptroller is further directed to publish the like notice and demand forthwith after each return made to him by said clerks, in conformity to the second section of the act hereby amended.

Penalty for
neglecting to
pay after
such notice.

II. *And be it further enacted*, That if any person indebted as aforesaid shall not pay the amount due to the treasurer of this state within the time limited therefor by any notice hereafter to be published by the comptroller, shall be liable thereafter to pay to the said people interest thereon at the rate of seven per cent per annum.

Comptroller
directed to
prosecute for
monies due.

III. *And be it further enacted*, That the comptroller be and he is hereby directed to cause actions to be prosecuted for all monies which shall be unpaid for the services before mentioned, the accounts of which are now in his office, immediately after the expiration of the time limited in his first notice, and for all other monies becoming due at the expiration of every year thereafter: *Provided*, such account, with interest, shall amount to twenty-five dollars.

Return of
clerks evi-
dence of ser-
vices per-
formed.

IV. *And be it further enacted*, That the several returns made by the respective clerks of said court, stating the amount due from each person named therein, or the certificate of the comptroller stating the amount due from any person therein

mentioned, shall be prima facie evidence of the services performed and the amount due at the time such amount is returned to the comptroller : *And further*, That in any action prosecuted for the recovery of any such demand, the venue therein shall be laid in the county of Albany.

CHAP. C.

An ACT concerning the Gospel and School Lots.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the freeholders and inhabitants of the several towns in the county of Cortland, of the towns of Ulysses, Ovid, Hector, Romulus, Junius and Fayette, in the county of Seneca, of the towns of Dryden, Genoa, Locke, Sempronius, Aurelius, Owasco and Brutus, in the county of Cayuga, of the towns of Fabius, Camillus, Manlius, Pompey and Tully, in the county of Onondaga, and the town of Windsor, in the county of Broome, which have lands assigned to them for the support of the gospel and schools, at their annual town meetings, to elect three trustees, being inhabitants and freeholders of the town, whose duty it shall be to take the charge of the said lands belonging to such town, and receive and appropriate the rents, issues and profits, or the proceeds arising from the sale thereof, to the uses and for the purposes herein after mentioned.

Trustees to be elected to dispose of certain school lots.

II. *And be it further enacted*, That the like notice shall be given of the election of the said trustees, and the election conducted in the same manner, as the election of other town officers; and that the said trustees shall have full power and authority to demise or grant, bargain, sell and convey, the said lands upon the best terms or for the best price which can be had therefor, in such a manner as the said trustees shall deem most beneficial to their respective towns : *And further*, That the said trustees shall, for the purposes expressed in this act, be a body politic and corporate, by the name and style of the trustees of the town of (inserting the town) in the county of (inserting the county) and shall have a common seal, and by the name and style aforesaid, may sue and be sued in any court of law or equity for any matter or cause relating to the aforesaid lands, or the proceeds thereof.

Power of the trustees.

III. *And be it further enacted*, That it shall not be lawful for the said trustees, or their successors, to sell the said lands on a shorter credit than twenty years; and it shall be lawful for the said trustees to receive at the time of such sale one fourth part of the sum or sums arising therefrom; and that the said trustees shall loan the monies arising from such sales at lawful interest, to be secured by bonds and mortgages on lands of double the value of the sums loaned, and clear of all incumbrances.

Lands not to be sold on a credit shorter than 20 years.

IV. *And be it further enacted*, That the rents, issues and profits of the aforesaid lands, and the annual interest of the monies arising from the sale thereof, shall be applied by the said trustees for the time being, to the support of the gospel and schools in their several towns, in such manner as the freeholders and inhabitants of the towns respectively, at their annual

Proceeds how to be applied.

town meeting, shall order and direct, or as the legislature shall prescribe by law.

Trustees al-
lowed cer-
tain costs.

V. *And be it further enacted*, That the said trustees shall be allowed the costs of surveying said lands into small lots, to be levied, collected and paid as other town expenses usually are.

Accounts
how to be
rendered.

VI. *And be it further enacted*, That it shall be the duty of the trustees of the several towns who are entitled to gospel and school lands, to render a just and true account of their proceedings in respect to the sale of said lands, together with the rents and interest in their hands remaining, and an account of what has been appropriated or expended, to the supervisors and justices of the peace of their respective towns on the last Tuesday next preceding the annual town meeting in each year; and it shall be the duty of the supervisors, or one of the aforesaid justices, to report to the people at the annual town meeting in each year the amount of rent or interest then due and to be appropriated for the support of the gospel or schools; and when other trustees shall be chosen the former trustees shall deliver over to their successors all the money, books, notes, bonds, mortgages or other papers relating to the sale of said lands, for the security of any sum or sums of money arising therefrom, either for interest, rent, or principal, then remaining in their hands, and take a receipt for the same, which receipt shall be filed in the clerk's office of said town; and in case any of the trustees aforesaid shall wilfully neglect or refuse to deliver over as aforesaid all the money, books, notes, bonds, mortgages, or other papers, to their successors as aforesaid, shall forfeit and pay twenty-five dollars, to be recovered, with costs of suit, before any justice of the peace in and for the county in which such offence shall be committed, in an action of debt, by any person who shall prosecute for the same to effect.

Trustees of
Ovid.

VII. *And be it further enacted*, That James Van Horne, Minor Thomas and Rynear Covert be trustees for the town of Ovid, in the county of Seneca, to take charge of and to make sale of the gospel and school lot in said town, until the first Tuesday in April next, or until others be chosen by the freeholders and inhabitants of said town of Ovid agreeable to this act; and it shall be the duty of the said trustees to cause to be surveyed out nearly in the centre of said lot number thirty, in said town of Ovid, four acres of land, as near square as may be, so as to contain the meeting house and burying ground, and to convey the same to the trustees of the first Dutch reformed church in Ovid, on being secured agreeable to the third section of this act, for the amount of the average price of said lot; and that Elijah Smith, Lemuel Badger and Anselm Cole be trustees for the town of Windsor aforesaid, until their next annual town meeting.

Four acres to
be sold to the
Dutch re-
formed
church in
Ovid.

Trustees of
Windsor.

CHAP. CI.

An ACT for the Relief of the Heirs and Representatives of Ebenezer Proudfit, deceased.

Passed April 2, 1813.

Preamble.

WHEREAS the widow and relatives of Ebenezer Proudfit, late of Salem, in the county of Washington, deceased, have re-

presented to the legislature that he died intestate, leaving a large real estate, which is not only unproductive, but from its situation liable to great injury, and have prayed that the administrators of the goods and chattels, rights and credits of the said Ebenezer may be authorised to dispose of the said estate in a manner most conducive to the interests of the heirs of the said Ebenezer Proudfit, which prayer is reasonable: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the administrators of all and singular the goods and chattels, rights and credits of the said Ebenezer Proudfit, or a majority of them, or the survivors or survivor of them, be and they are hereby declared to be trustees of all the real estate whereof the said Ebenezer died seised within this state, with full power to grant, bargain, sell, lease in fee or for life, all and singular such part or parts thereof, and to make and execute to the said purchasers or lessees such deeds or other conveyances as may be necessary or proper for granting or conveying the same: *Provided always,* That before any such sale or demise shall be consummated, the same shall be sanctioned and approved of by the chancellor, or such officer of his court as he shall for that purpose designate.

Estate of E. Proudfit how disposed of.

Proviso.

II. *And be it further enacted,* That the trustees aforesaid shall pay to the widow of the said Ebenezer during her natural life, such portion of the income of the said estate, to and for her sole use and benefit, not exceeding one third of the net yearly income thereof, as the chancellor of this state shall, on application to him for that purpose, make, order and direct, in lieu and bar of the dower of the said widow, and such further sum or sums for and on account of the support, maintenance and education of the said heirs as the said chancellor on like application shall order and direct, regard being at all times had to the degree and standing of the parties and the amount of income.

Portion to be allowed to the widow.

III. *And be it further enacted,* That the trustees aforesaid, before they enter upon the execution of the trust hereby created, shall execute and file in the office of a register of the court of chancery, a bond in such sum and with such sureties as the chancellor of this state shall approve, conditioned for the fair and faithful discharge of the duties of this trust, and for the fair and full distribution of the proceeds of such estate among all the heirs of the said Ebenezer Proudfit, and to account therefor whenever required by the chancellor of this state.

Bond to be given by the trustees.

IV. *And be it further enacted,* That the said trustees shall pay over to each of the heirs as they respectively attain the age of twenty-one years, his or her portion of the estate, taking such security from such heir as the said chancellor shall approve, for a return or repayment for such part thereof as may be necessary to equalize the portion or portions of the other heirs in the event of any loss happening by the insolvency of any debtor or failure of any fund in which such estate may be vested.

Heirs to receive their portion as they become of age.

CHAP. CII.

An ACT authorizing the Comptroller to receive the Tax Returns from the Treasurer of Niagara county for the year 1812, and for other purposes.

Passed April 2, 1813.

Tax returns of 1812 in Niagara to be received by the comptroller.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller be and he is hereby authorised and required to receive the tax return from the treasurer of Niagara county, for the year one thousand eight hundred and twelve, and the said return is hereby declared as valid as if the same had been made within the time required by law.*

Alto of De Ruyter and Lenox in Madison county.

II. *And be it further enacted, That the comptroller be and he is hereby authorised to receive the tax lists of the non-residents for the towns of De Ruyter and Lenox in the county of Madison, heretofore rejected by him on account of some informality in certifying and signing, any law to the contrary notwithstanding.*

CHAP. CIII.

An ACT appointing Commissioners to lay out a Road from Rome, in Oneida county, to Lake Ontario.

Passed April 2, 1813.

Commissioners to lay out the road.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Benjamin Wright, James Lynch and John Meacham be and hereby are appointed commissioners to lay out a public road four rods wide, in the most direct and convenient route from the village of Rome, in the county of Oneida, to the southeasterly part of Lake Ontario at or near the mouth of Salmon river.*

Description of the route to be filed in the town clerk's office.

II. *And be it further enacted, That when the said commissioners shall have laid out the said road they shall cause a description of the route of the said road to be recorded in the offices of the clerks of the several towns through which such road shall pass, and the commissioners of highways in said several towns shall without delay after the recording of the route thereof as aforesaid cause the said road to be opened and worked in their respective towns, in the same manner as if the same had been laid out by said town commissioners.*

Owners of lands to be paid for damages.

III. *And be it further enacted, That when any part of the said road shall be laid out through any inclosed lands, the owner or owners thereof shall be paid his or their damages by the town in which such improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed by an act entitled "an act to regulate highways."*

Compensation of commis's.

IV. *And be it further enacted, That the said commissioners shall each be allowed two dollars a day for each day they shall be employed in the service aforesaid, to be raised, levied, and collected by the supervisors of the county of Oneida on the inhabitants and freeholders of the said county, in the same manner as the other contingent expenses of the said county are raised, levied and collected.*

V. *And be it further enacted, That each of the said commis-*

sioners, before he enters on the duties of his office shall take and subscribe before one of the judges of the county of Oneida, the following oath, to wit: "I - - do solemnly swear and declare that I will in all things, to the best of my knowledge and ability, well and faithfully execute the trust reposed in me by virtue of the act entitled "an act appointing commissioners to lay out a road from Rome, in Oneida county, to Lake Ontario."

They shall
take an oath.

CHAP. CIV.

An ACT to amend the act entitled "an act to incorporate the Society of Mechanics of the city and vicinity of Albany, for purposes of Education and Charity."

Passed April 2, 1813.

WHEREAS it has been represented to the legislature by the petition of the said society, that in proceeding in the business of their incorporation they have purchased a lot of ground and house for the hall of their meeting, and have erected a building for a school house, and that the principal attention of the society is directed to the education of their children, but that they have met with much embarrassment and difficulty in their proceedings from the number of members required as a quorum to transact the business of said society, being so great as to make it extremely difficult to procure such quorum, and have prayed relief in the premises, and the legislature being willing to grant such relief; Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That on notice having been given for two weeks in one of the public newspapers printed in the city of Albany, of the time and place of holding the annual election for the choice of officers and trustees of said society, the members who may attend at such time and place, not being less than twenty in number, shall be a quorum for the purpose of such election, and that in all other cases of a meeting of the said society, twenty members, together with the president, or in case of his sickness or absence from the city of Albany, either of the vice-presidents, shall be a quorum for transacting all such business as the said society in general meeting are authorised to perform by or under their act of incorporation, any thing in the said act of incorporation to the contrary notwithstanding.

CHAP. CV.

An ACT relative to the Village of Oswego.

Passed April 2, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of highways of the town of Hannibal, in the county of Onondaga, and their successors in office for the time being, to remove or cause to be removed all private buildings of every description whatsoever now erected or hereafter to be erected off and from the streets and market lots in the village of Oswego in the said town, first giving to the occupier or possessor of such

Private build-
ings to be re-
moved from
streets and
market lots.

buildings severally six months notice of their intention to remove the same, in case the said buildings should not in the mean time be removed by such occupier or possessor, which said notice shall be in writing, and signed by the said commissioners, or a majority of them.

Penalty for obstructing the harbor.

II. *And be it further enacted*, That if any person shall put or place in any part of the Oswego harbor, in the said village of Oswego, any stones, earth or ballast, or shall in any otherwise injure or obstruct the said harbor, such person so offending shall forfeit and pay for every offence a fine not exceeding twenty-five dollars, to be recovered with costs of suit, before any justice of the peace of the county of Onondaga, by and in the name of the said commissioners, whose duty it shall be to sue for the same, to and for the use of the poor of the said town of Hannibal.

Compensation of the commis'srs.

III. *And be it further enacted*, That the said commissioners shall be entitled to receive for services rendered under and by virtue of this act, the like compensation as for other services performed in their office, to be allowed, raised and paid in the manner prescribed by law for compensating the said commissioners for other services.

Acts of a majority shall be valid.

IV. *And be it further enacted*, That all acts to be done under and by virtue of this act, by a majority of the said commissioners shall be as valid and effectual as if all the commissioners of the said town had joined in doing the same: *And further*, That if the said commissioners, or any of them, shall be sued for any thing done in pursuance of this act, he or they may plead the general issue and give the special matter in evidence.

Commissioners of the land-office may sell lands adjacent to the village.

V. *And be it further enacted*, That it shall be lawful for the commissioners of the land office to sell the land belonging to the people of this state adjacent to the said village of Oswego, and not being within the plan of the said village, in such parcels as will best accommodate the settlers or building lots in the said village, in the manner directed by law for the sale of the other unappropriated lands.

Where to be sold.

VI. *And be it further enacted*, That the said lands, in the discretion of the said commissioners of the land-office, may be sold either at the capitol in the city of Albany, or in the county where the same may lie, at such place as they shall appoint for that purpose.

They may also sell lots in East Oswego.

VII. *And be it further enacted*, That the commissioners of the land-office shall have the same power and authority in relation to the sale of lots in the village of East Oswego, in the town of Scriba, as they now have in relation to the sale of lots in the village of Oswego, in the town of Hannibal.

Harbour how to be preserved.

VIII. *And be it further enacted*, That the commissioners of highways of the town of Scriba, or a majority of them, shall have the same powers for the preservation of the harbor in the village of East Oswego as are herein granted to the commissioners of the town of Hannibal: *Provided*, That all suits by them to be commenced in the premises shall be commenced and prosecuted before some justice of the peace of the county of Oneida, and the recovery to be had shall be to and for the benefit of the poor of the said town of Scriba.

Proviso.

CHAP. CVI.

An ACT for the Incorporation of the Village of Buffalo, in the county of Niagara.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the freeholders and inhabitants qualified to vote for members of assembly, resident within the district of country known and distinguished on a map made by Joseph Ellicott, and on file in the clerk's office of the said county, as the village lots and outer lots of the village of New-Amsterdam, shall be a corporation by the name and style of "The Trustees of the Village of Buffalo," and by that name they and their successors may have perpetual succession, shall be known in law, shall be capable of suing and being sued, and of defending and being defended in all courts and places whatsoever, and in all manner of actions and causes, and that they and their successors may have a common seal and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, and of erecting one or more fire-engine house or houses, and a market house, with power to restrain swine and cattle from running in the streets, to regulate the assize of bread, to remove and prevent encroachments on the highways, streets and commons, of raising money by tax for erecting such fire-engine house or houses and market house, and for the purchase of one or more fire-engine or engines, and all implements and tools appertaining thereunto, and for the keeping the same in repair, and for raising money by tax for defraying the incidental expenses of carrying the several by-laws and regulations into effect, which money so to be raised shall be assessed upon the freeholders and inhabitants of said village in proportion to their property, real and personal, within said village, by the trustees thereof, and collected by the collector of said village in the same manner as the taxes of the county of Niagara are collected, by virtue of a warrant to him directed, signed by a majority of the trustees of said village, and by him paid into the hands of the treasurer thereof : *Provided,* That no tax shall be levied or monies raised, assessed or collected for erecting public buildings, or for defraying any incidental expenses of said village, nor any sale or purchase of any real or personal estate be made, nor any fire-engine house or houses, or market house erected or disposed of without the consent of the freeholders and inhabitants of said village assembled, qualified to vote for members of assembly, or a majority of them, to be given at a public meeting duly notified as herein after mentioned : *Provided,* That such real estate which said corporation may lawfully hold, over and above what may be necessary for streets, roads and public places, and for the accommodation and use of the public buildings, shall not at any time exceed the annual value or increase of fifteen hundred dollars.

Village incorporated.

Style and power of the trustees.

Provide.

Further provision.

II. *And be it further enacted,* That on the first Monday of May in every year, the freeholders and inhabitants of said village who are qualified to vote as aforesaid, shall assemble in the said village, at such time of the day and at such public place

Election when and how to be made.

therein as the trustees thereof shall from time to time appoint, and notify in the same manner as is herein after directed for calling special meetings, and then and there, by a plurality of votes of those attending said meetings, to choose, by ballot five trustees, one treasurer, one clerk, one collector and three fire-wardens, being freeholders and inhabitants of said village, at which first election the trustees appointed by this act shall preside as inspectors of said election, and shall canvass the ballots given at the said election, and declare the several officers who may be chosen, and shall have power to decide on the qualifications of electors ; and in order to ascertain the qualifications of any person offering himself as an elector, may examine him on oath, to be administered by one of said trustees ; and the trustees so to be elected by virtue of this act, or a majority of them, and their successors in office, shall preside at all future elections and public meetings of the freeholders and inhabitants of said village, and shall have the like powers and authority as above mentioned ; and the said trustees shall provide and keep poll books wherein shall be entered the names of the persons who shall vote at said election : *Provided*, That in case of the death or absence of the trustees of said village, or a major part of them, or their inability to attend at such election, the freeholders and inhabitants, or a majority of them so attending, may appoint some other suitable persons to preside at such elections in their stead ; and such trustees, treasurer, clerk, collector and fire-wardens so elected shall continue in office for one year, and until others shall be appointed and qualified in their stead ; and the said treasurer and collector shall before they enter upon the execution of the duties of their respective offices, severally give to the trustees of said village for the use and benefit of the freeholders and inhabitants thereof, a bond with two sufficient sureties, to be approved of by said trustees, or a majority of them, in the sum of one thousand dollars each, conditioned for the due execution of the duties of their respective offices and faithful discharge of the trust reposed in them respectively ; and it shall be the duty of the said clerk from time to time to enter all rules, regulations and proceedings of the said freeholders and inhabitants in a book or books to be provided for that purpose by the said trustees, which books shall remain in the hands of the said clerk, and be at all proper times open for the inspection of the freeholders and inhabitants of said village.

Proviso.

By-laws may
be made.

III. *And be it further enacted*, That the said freeholders and inhabitants, at their annual meeting to be held as aforesaid, and at such special meetings as the said trustees, or a majority of them, may think necessary to call, by giving notice thereof in the public newspaper or papers printed in said village, if there should be any such paper or papers printed in said village, and by fixing a copy of said notice in three of the most public places in said village for at least six days previous to such meeting, are hereby authorised from time to time to make and establish such prudential rules and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote as aforesaid shall judge necessary and convenient for the better improving of their common estate, and for the

application and expenditure of all monies to be assessed by virtue of this act, and also to ordain and establish such prudential rules and regulations relative to slaughter houses, to the cleansing and keeping in order the common streets and highways in said village, and removing nuisances therefrom, and establishing, regulating and improving sidewalks therein, and also to make rules and regulations proper to compel the householders in said village to furnish themselves with a sufficient number of fire-buckets, and also to make and pass rules and regulations relative to the duties of the fire-wardens, to authorise them to inspect all chimnies, stoves and stove pipes, and to direct at what time the chimnies and stove pipes shall be cleansed, and also to pass rules and regulations for guarding generally against fire in said village, and to impose from time to time such penalties on the offenders against such rules and regulations, or any of them, as a majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by said trustees in their own names, with costs of suit, by action of debt, before any justice of the peace residing within the town of Buffalo and county of Niagara; and in any action or actions which may be brought for or against the trustees of said village, the freeholders and inhabitants of said village shall be and they are hereby declared competent witnesses for either party in such action, which penalties when collected shall be paid into the treasury of said village for the use of the inhabitants and freeholders thereof.

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, and they are hereby required to appoint a sufficient number of firemen, not exceeding twenty in number, of the inhabitants of the said village, for each and every engine, to have the care, management, working and use of the said fire-engine or engines belonging to or which may belong to said freeholders and inhabitants, and also the tools and implements belonging and appertaining to the same, for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove all or any of the said firemen, when and as often as they may think fit, and to appoint others in their stead, and also to make, ordain and establish such rules and regulations for the government of such firemen as to them shall appear necessary and proper. Firemen may be appointed.

V. *And be it further enacted*, That the treasurer of said village shall not pay out of the treasury any monies belonging to said freeholders and inhabitants without an order signed by the said trustees, or a majority of them. Monies how to be paid.

VI. *And be it further enacted*, That the trustees and treasurer of said village shall annually, at the time and place of holding the elections aforesaid, exhibit an account of all monies received into or paid out of the treasury of said village during the year preceding, specifying the several objects and purposes for which the same have been paid and applied. Accounts to be exhibited

VII. *And be it further enacted*, That Eli Hart, Zenus Barker, Ebenezer Walden, Oliver Forward and Cyrenus Chapin, be and they are hereby appointed trustees of the said village for the ensuing year, commencing the first Monday in May next. First trustees.

CHAP. CVII.

An ACT to divide the Town of Mexico, in the county of Oneida.

Passed April 2, 1813.

New-Haven
erected.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next, all that part of the town of Mexico, in the county of Oneida, comprehending the nineteenth township of Scriba's patent (so called) be and hereby is erected into a separate town by the name of New-Haven, and that the first town meeting shall be held at the house of Ansel Snow in said town.

II. *And be it further enacted,* That the remaining part of the said town of Mexico shall be and remain a town by the name of Mexico, and the first town meeting shall be held at the place to which the last town meeting in said town of Mexico is adjourned.

Poor and poor
money to be
divided.

III. *And be it further enacted,* That as soon after the first Tuesday in March next as is convenient, the supervisors and overseers of the poor of said towns of Mexico and New-Haven shall meet at some convenient place, and divide the money and the poor of the present town of Mexico agreeable to the last tax list, and that each of said towns shall thereafter maintain their own poor.

CHAP. CVIII.

An ACT for the Relief of Lemuel W. Jenkins and others.

Passed April 2, 1813.

Bounds of
land to be
granted to L.
W. Jenkins.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the commissioners of the land-office shall issue letters patent to Lemuel W. Jenkins for all that certain tract of land under water, lying opposite to and adjoining his farm in the city of Hudson, comprehended within the following bounds, to wit: beginning at a certain hollow or gully through Lemuel W. Jenkins' land, on the east bank of the Hudson river, at a place bearing south sixty-two degrees west from the westernmost end of Stillhouse wharf in the city of Hudson, distant from said wharf sixty-five chains and fifty links, thence north twenty-two degrees east, three chains, thence south seventy-six degrees west twelve chains, thence south sixty-seven degrees west twenty-four chains, thence south sixty-three degrees west sixty-one chains, thence south fifty degrees west eleven chains and forty links, thence south sixty-nine degrees east thirty chains to said Jenkins' land on the bank of Hudson river, thence northerly along said bank and land to the place of beginning.

Time extend-
ed to S. S.
Baldwin and
others to
make certain
payment.

II. *And be it further enacted,* That the time limited by the act entitled "an act for the relief of Samuel S. Baldwin and others," passed 28th February, 1812, for the payment of the first instalment of principal, shall be extended to the first day of May, in the year one thousand eight hundred and sixteen, but in this case the interest shall be regularly paid annually on the first day of May in each year.

CHAP. CIX.

An ACT authorising the Supervisors of the county of Genesee to raise Money by Tax for the purpose of paying the balance due from that county for completing the Bridge across the Genesee River, near the falls.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the supervisors of the county of Genesee, at their next meeting, be and are hereby empowered and required to raise and levy on the freeholders and inhabitants of said county a sum not exceeding six hundred dollars, for the purpose of paying the balance due from said county for completing the bridge across the Genesee river, near the falls, with the additional sum of five cents on each dollar for collecting the same, and one cent on the dollar for treasurer's fees, which said sums shall be raised, levied and collected in the same manner as the other contingent charges of said county are levied and collected.

CHAP. CX.

An ACT for the Relief of the Board of Supervisors of the county of Ontario, and for other purposes.

Passed April 2, 1813.

WHEREAS by an act passed the 26th of May 1812, and also an act passed the 16th day of June, 1812, authorising and requiring the said board of supervisors to levy and collect from the freeholders and inhabitants of said county of Ontario several sums of money for building the gaol and completing the bridge over the Genesee river, between the towns of Boyle and Northampton; the said board by their petition to the legislature, stating that for the want of the said acts not coming into the county before the October session they did not raise the said several sums specified in said acts, therefore praying they may be discharged from the duties enjoined on them by the aforesaid acts: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said two hereby recited acts are repealed, and in lieu thereof it shall be lawful, and it is hereby made the duty of the treasurer of said county, on the warrant of the said board of supervisors, to pay to the commissioners appointed to build the aforesaid bridge, one thousand five hundred and seventy-four dollars and fifty-four cents out of any money in the treasury, being the balance due them for completing said bridge; and it shall be lawful, and it is hereby made the duty of the board of supervisors at their annual meeting in October next, to cause to be levied and collected from the freeholders and inhabitants of the said county of Ontario, the sum of one thousand five hundred dollars; and if in the judgment of the said board, or their successors in office, at the annual meeting which will be in the year one thousand eight hundred and fourteen, the further sum of one thousand five hundred dollars, or any part thereof, for completing

said gaol, it shall be lawful for them to levy and cause the same to be collected from the freeholders and inhabitants of said county, together with five cents on a dollar for the collection thereof, for the use and purpose of building said gaol in conformity to an act for that purpose, passed the 9th day of March, one thousand eight hundred and ten.

CHAP. CXI.

An ACT to divide the Town of Oxford, in the county of Chenango.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next all that part of the town of Oxford, in the county of Chenango, lying east of a line beginning at the north line of the township of Fayette, in said town, between lots number forty-six and fifty-five, and running thence south until it intersects the south line of the said township of Fayette, between lots number sixty-three and seventy-one, be and hereby is erected into a separate town by the name of Eastern, and the first town meeting shall be held at the house of Jehiel Parsons in said town of Eastern.

Town of Eastern erected.

II. *And be it further enacted,* That the remaining part of the town of Oxford shall be and remain a separate town by the name of Oxford, and that the first town meeting shall be held at the house of Erastus Perkins in said town.

Poor and poor money to be divided

III. *And be it further enacted,* That as soon as may be after the first town meeting, the supervisors and overseers of the poor for said towns shall meet together, notice being first given for that purpose, and divide the money and poor belonging to the town of Oxford previous to its division agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain and support their own poor.

Public property to be divided.

IV. *And be it further enacted,* That all public property of whatever description at present owned by the town of Oxford, shall immediately after this act takes effect, be equally divided between the said towns of Oxford and Eastern.

CHAP. CXII.

An ACT to improve the Road therein mentioned.

Passed April 2, 1813.

Road from Rome to Sackett's harbor to be improved.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the surveyor-general is authorised and required to sell and dispose of so much of the unappropriated lands of this state, on a credit of twelve months, lying in the county of Oneida, called the Fish-creek lands, as shall raise the sum of four thousand dollars, and the same is hereby appropriated for improving the road from Sackett's Harbor, on lake Ontario, to the village of Rome, in the county of Oneida, being the road heretofore laid out by commissioners appointed by the state, and pay the same over to Henry Huntington, Clark Allen and Dan Taft, who are hereby appointed su-

Commissioners.

perintendents to take charge of the expenditures of said sum for the object aforesaid, provided the said Henry Huntington, Clark Allen and Dan Taft shall first enter into a bond in double the amount of said sum to the people of this state, with two sureties to be approved of by the comptroller, conditioned for the faithful expenditure of said appropriation, according to the true intent and meaning of this act, and also for accounting to the comptroller for the said expenditure.

II. *And be it further enacted*, That the said superintendents shall each be entitled for their services and expenses whilst necessarily employed in their duties aforesaid, to the sum of two dollars per day, payable out of the said appropriation, and no more. Their compensation.

CHAP. CXIII.

An ACT for the Relief of Purchasers of Lots in the late Oneida Reservation.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for the payment of the purchase money and interest of the lots in the late Oneida reservation be and hereby is extended to the first day of October next: *Provided*, That nothing in this act contained shall be construed to defeat or delay any suit or action brought against any of the purchasers or occupants of any of said lots until the person against whom such suit is brought shall have paid to the attorney-general the costs of such suit.

CHAP. CXIV.

An ACT for opening and making a Road from the town of Warwarsing, in the county of Ulster, to the town of Nevisink, in the county of Sullivan.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Benjamin Bevier, John Broadhead, junior, and Andrew I. Lefevre, be and they are hereby appointed commissioners for the purpose of opening and making a public road or highway, beginning at or near the house of Levi Kimble, in the town of Warwarsing, in the county of Ulster, and thence in the best and most direct route to or near the mills of Andrew I. Lefevre, in the said town of Warwarsing, and thence to or near a school house on the Nevisink road, near the Nevisink river, in such manner as the said commissioners shall judge most expedient and order; and the said commissioners shall explore and mark out the route for the said road, and shall respectively be entitled to two dollars for each day's actual and necessary service in which they shall be engaged in the performance of the duties required of them by this act; and the said commissioners shall respectively before they enter upon their said duties, execute a bond with sufficient surety to be approved of by the clerk of the county of Ulster, or Commissioners to open a road.

of the county of Sullivan, to the people of this state, in the penalty of one thousand dollars, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be filed in the office of the clerk approving thereof, and the said commissioners shall likewise take and subscribe an oath before some magistrate authorised to administer oaths, well and faithfully to execute their said trust. and the same shall be filed with either of the said clerks of Ulster or Sullivan county : *And further.* Any two of the said commissioners shall have power and authority to execute and perform all and singular the duties and services delegated to all the said commissioners by this act.

Affidavits
how to be
made for
opening the
road.

II. *And be it further enacted,* That the said commissioners shall, as soon as may be after the passing of this act, make an estimate or assessment under their hands of the monies to be raised for the purposes of this act, that is to say, they shall assess the sum of eight cents upon every acre of land lying within one mile of the road hereby directed to be opened and made, and the sum of four cents upon every acre lying more than one mile and within two miles of the said road, designating in such assessment as near as may be the quantity of land owned or possessed by each owner or occupant subject to such assessment ; and where such land shall not be occupied, or the owner cannot be ascertained, then the said commissioners shall specify the same, and also describe the land with convenient certainty, which assessment being filed in the clerk's office of the county of Ulster, and a copy thereof in the clerk's office of the county of Sullivan, shall be a lien upon the land so assessed to the amount contained in such assessment, and the owners and occupants thereof respectively shall be liable to the amount assessed upon the land by them respectively owned or possessed ; and if any of them shall not within ninety days after demand made by either of the said commissioners, or by some person by them authorised, or after publication of the amount assessed upon his or their land in one of the public newspapers printed in the county of Ulster, pay the said amount so assessed to either of the said commissioners, then it shall be lawful for any justice of the peace of the county where said land lies, upon application to him by either of the said commissioners, forthwith to issue a warrant directed to any constable of such county, commanding him to cause the sum assessed, with the costs of such warrant and constable's fees, to be levied of the goods and chattels of such owner or occupant, in the manner and time in which justices executions are served, and to return the said monies to the said commissioners, or any one of them ; or in case the said commissioners shall so elect, it shall be lawful for them to issue their warrant to the collector of taxes in the town where such lands lie, commanding him to levy and collect the sum or sums assessed in the manner in which he is authorised by law to levy and collect the taxes imposed on the inhabitants of such town, and such collector shall obey such warrant and make return thereof, with the monies collected, to the said commissioners, or one of them, within sixty days after he shall have received such warrant ; and any neglect of duty in any constable or collector in the service of any warrant under this act to him directed, shall subject the offender to a penalty of twenty-five dollars, to be sued for and

recovered with costs, by and in the name of the said commissioners, or any one or more of them, before any court having cognizance thereof, and to be applied when recovered to the purposes contemplated by this act; and such constable or collector shall moreover be liable to the said commissioners for the amount by them so collected: *Provided*, That nothing in this act contained shall authorise any assessment on land lying to the eastward or westward of the ends of the said road by lines to be run at right angles with the general course of the road.

III. *And be it further enacted*, That if any constable or collector to whom any warrant shall have been directed under the preceding section shall return that there are no goods or chattels sufficient to satisfy the same, and that the same cannot be collected according to the command thereof, then it shall be lawful for the said commissioners to issue a warrant to the sheriff of the county where such lands subject to the same shall lie, wherein, after reciting the assessment made under this act, the default in payment, and the warrant directed to the collector or constable, and his return thereof, the said sheriff shall be commanded to levy the sum of money assessed, with the costs of such sheriff, of the lands or tenements so assessed in the manner in which executions of fieri facias out of the supreme court are served, and directing such sheriff to have the monies before such commissioners, or one of them, within three months after the delivery of such warrant to such sheriff; and such sheriff shall and may advertise and sell such land, or so much thereof at public auction as will be sufficient to satisfy such warrant and costs as aforesaid, and for advertising upon such warrant, and thereupon to execute a conveyance in fee to the purchaser, which shall be of like force and effect as if the same had been executed under a writ of fieri facias: *Provided always*, That the right, interest and estate of such purchaser shall cease in case the original owner, or any one for him or on his behalf, shall within two years from the time of sale, tender or pay to such purchaser, his heirs or assigns, the amount of the purchase money, with interest at and after the rate of fourteen per centum per annum from the time of sale by the said sheriff, and thereupon the land so sold shall revert in such original owner, his heirs and assigns, in like manner as if the same had never been sold under this act, and a clause to that effect shall be inserted in the sheriff's deed to the purchaser: *And provided further*, That the lands and tenements now owned or possessed by Benjamin Sears, of Orange county, and Simeon Freer and Lawrence Freer, of Ulster county, shall not be assessed under this act, nor in any way affected or prejudiced thereby.

IV. *And be it further enacted*, That if either of the said commissioners should die, resign or refuse to act, or be otherwise disabled or disqualified from acting, it shall be lawful for any three of the judges of the court of common pleas for the county of Ulster or Sullivan to supply such vacancy as often as occasion may require, which commissioner or commissioners so to be appointed shall exercise and enjoy all the powers and authorities, and be subject to the same restrictions and conditions as are by this act given to or imposed upon the commissioners therein named.

Q

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Binghamton.

Passed April 2, 1813.

Bounds of
the village.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the district of country within the county of Broome, contained in the following bounds, that is to say, beginning at a button wood tree standing on the most southerly point of the island in the Chenango river known by the name of Lion's island, adjacent to the mills lately erected by Marshal Lewis, thence in a line running due east to the middle of Brandywine creek so called, thence southerly down the middle of said creek as it winds and turns to the Susquehannah river, thence southerly to the middle of said river, thence down the middle of said river as it winds or turns to a point or place in said river which a line would meet drawn due south from the southwest corner of a tract of land on the west side of the Chenango river purchased by Daniel Le Roy of the executors of William Bingham, esquire, deceased, thence due north to the southwest corner of the last mentioned tract of land, thence northerly along the west line of said tract of land to the southwest corner of the farm or tract of land owned by Selah Squiers, thence easterly along the south line of the said Selah Squiers's land to the middle of the Chenango river, and thence easterly to the place of beginning, shall hereafter continue to be known and distinguished by the name of "The Village of Binghamton," and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may on the first Tuesday in May meet at the court house in the said village, a notice whereof shall be made in writing, and signed by a justice or justices of the peace residing in the county of Broome, and put up in at least three public places within said village at least ten days before the said first Tuesday of May next, and then and there proceed to elect five discreet freeholders resident within the said village, to be trustees thereof, who when chosen shall possess the several powers and rights hereinafter specified; and such justice or justices shall preside at such election, and shall declare the persons having the greatest number of votes duly elected trustees; and on every first Tuesday of May after the first election of trustees there shall in like manner be a new election of trustees for said village, and the trustees for the time being shall perform the duties required from the said justice or justices in respect to notifying meetings and presiding at such elections.

Their style
&c.Powers of
the trustees.

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the said limits be and they are hereby ordained, constituted and declared to be from time to time and for ever hereafter a body corporate and politic, in name and in fact, by the name and style of "The Trustees of the Village of Binghamton," and by that name they and their successors for ever shall and may have perpetual succession, and be persons in the law capable of suing and being sued, and of defending and being defended in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever, and that they and their successors may have a common seal, and may change and

alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and erecting any buildings, aqueducts, and digging any reservoirs for water for the use of said village, and for keeping in repair such buildings, aqueducts and reservoirs, of purchasing and keeping in repair fire-engines, ladders, buckets, and other instruments for extinguishing fire, for improving the streets, erecting hay-scales, and for making any other regulations for preventing and extinguishing fires, preventing and removing nuisances, and relating to the price of bread in said village, that the said trustees may from time to time deem necessary, and of raising a sum by tax for the purposes aforesaid not exceeding three hundred dollars in any one year : *Provided*, Provide. That no tax shall be levied or money raised, assessed or collected for the purposes aforesaid, and purchase or sale of any real estate be made, and no building or reservoir be made or disposed of without the consent of the freeholders and inhabitants of said village, or the major part of them, at the annual meeting for the election of trustees first obtained.

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and for the benefit of said village, relating to the objects in the next preceding section, and not inconsistent with the laws of this state or the United States; and it shall be lawful for the said trustees to ordain, constitute and publish such fines and forfeitures for the breaking of any such by-laws, rules and regulations as they may think expedient : *Provided nevertheless*, That By-laws may be made. no forfeiture or fine shall be inflicted over and above the fine of ten dollars for any one offence against such by-laws.

IV. *And be it further enacted*, That the freeholders and inhabitants qualified to vote for the trustees as aforesaid, at their annual meeting shall, and they are hereby authorised to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively shall be deemed duly chosen; and in case a vacancy shall happen in either of the above offices, by death, removal from said village, or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply such vacancy until the next annual meeting, and the person so appointed shall be liable to the same penalties and restrictions as if duly elected at the annual meeting. Treasurer and collector to be chosen.

V. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election, respectively take and subscribe an oath or affirmation before any justice of the peace of the county of Broome for the faithful execution of the office or trust to which they may be severally elected : *Provided nevertheless*, That the said treasurer and collector before they take the oath or affirmation aforesaid shall respectively give security to the trustees of said village for the faithful discharge of their respective offices in such sum as a majority of them shall deem sufficient. Officers to take an oath. Provide.

Firemen may
be appointed.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen out of the inhabitants of said village, and the same or any of them to remove at pleasure, and to appoint others in their stead, to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such by-laws, rules and regulations for the government of said company, and inflict, ordain and establish such penalties for the breaking or disobeying such by-laws, rules and regulations as they may deem expedient : *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fine and penalties whenever a majority of them shall deem it proper.

Proviso.

Fees to be
affixed.

VII. *And be it further enacted*, That it shall be the duty of the said trustees and their successors annually to assess on the several inhabitants and freeholders living in said village the amount of the taxes which the freeholders and inhabitants of said village shall at their annual meeting determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax, and they shall also execute the offices of fire-wardens of said village in cases of fire : *Provided*, That if any person shall deem him or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the county of Broome, giving notice to the said trustees of such appeal, and of the time and place for determining thereof by such justices, who shall hear the same and do therein what to justice shall appertain.

Proviso.

President, to
be chosen

VIII. *And be it further enacted*, That the trustees within twenty days after their election, or a major part of them, shall, and it is hereby made their duty to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the board of trustees, and some other suitable person to be clerk of said board of trustees ; and it shall be the duty of the president to preside at the meetings of the trustees, to order extraordinary meetings whenever he may conceive it for the interest of said village, to see that all the by-laws and regulations of said village are enforced and faithfully executed, to prosecute in the name of the trustees all offences against or violations of the by-laws ordained and published as aforesaid, to keep the seal of said village and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper ; and in case of the death, removal or inability of the president to discharge the duties of his office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall within ten days thereafter meet and elect another president out of their body to hold the office until the next annual meeting ; and it shall be the further duty of the president to take care of and preserve all the property belonging to the village, to preside over all public meetings of the village, and to do all other things proper for

His duty.

the president of the village to do ; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations as are made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees and record all the by-laws, rules and regulations passed by them ; and the trustees shall have the power to remove such clerk and appoint another, and to appoint one pro tempore in the absence of the clerk ; and the clerk shall receive such compensation for his services as the trustees shall deem sufficient, to be paid out of the funds of the village.

IX. *And be it further enacted*, That the collector shall within such time as shall be hereafter limited by the by-laws of the corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same over to the treasurer ; and that such collector shall have and exercise the same power in the collecting of said taxes by distress and sale as the several collectors of towns have in the levying and collecting of taxes ; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeable to the provisions of this act.

Collector's duty.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury ; and the treasurer and collector shall receive for their several services such suitable compensation as the freeholders and inhabitants of said village shall at their annual meeting determine.

Expenses of the trustees to be paid.

XI. *And be it further enacted*, That if any one of the inhabitants of said village qualified as aforesaid shall be elected or chosen a trustee, and shall refuse or neglect to serve as such, it shall be lawful for the trustees who do accept and serve, or the majority of them, to impose upon such person so neglecting or refusing a fine not exceeding ten dollars for any one offence ; and that every fine and penalty imposed agreeable to the provisions of this act may be sued for and recovered in the name of the trustees, in an action of debt, in which it shall be sufficient for the trustees to declare generally that the defendant is indebted to them by virtue of this act.

Penalty for refusing to serve when elected.

XII. *And be it further enacted*, That it shall be the duty of the president to give notice to the inhabitants of said village of all public meetings at least one week previous thereto, in such manner as a majority of the trustees may deem proper ; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Notice to be given of meetings.

XIII. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatever by virtue of this act, shall be paid into the hands of the treasurer for the use of said village ; and the treasurer shall, and he is hereby authorised in case any person having so received any money by virtue of this act to and for the use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees

Fines, &c. how disposed of.

of said village for monies had and received to and for the use of said village.

This act may
be repealed
or altered.

XIV. *And be it further enacted*, That it shall be lawful for the legislature at any time to repeal or amend this act.

CHAP. CXVI.

An ACT vesting further Powers in the Trustees of the Village of Newburgh.

Passed April 2, 1812.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the trustees of the village of Newburgh and their successors shall be and they are hereby appointed commissioners of streets, roads and highways within the village of Newburgh.

Trustees shall
have power
to lay out
streets and
roads.

II. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, or any four of them, and they shall have and possess exclusive power to lay out streets, roads and highways within said village of such width, extent and direction as to them shall seem most conducive to the public good, and to shut up, divert and discontinue, or order to be shut up, diverted or discontinued, any streets, roads or public highways, or any parts or sections thereof within said village; and it shall be the duty of said trustees to lay out said streets, roads or highways of such ample width as they may deem sufficient to secure a free and abundant circulation of air among said streets, roads and highways when the same shall be built upon; and whenever the said trustees or any four of them shall shut up, divert or discontinue, or order to be shut up, diverted or discontinued, any street, road or highway in said village, or any part or parts thereof, that then and in such case it shall be lawful for the owner or owners of the land or soil thereof thereupon to take possession thereof and to hold and enjoy the same, to his, her and their own use.

They may
enter on
lands for
that purpose.

III. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted for the laying out, opening and forming of any street or road as aforesaid; and that the said trustees, or any four of them, shall cause two similar maps of such streets or roads so to be laid out by them as aforesaid, and of the limits bounding the lands by them surveyed to be made, accompanied with such field notes and elucidatory remarks as the nature of the subject may require, which maps, accompanied with such field notes and remarks, shall be attested by the said trustees, or any four of them, before any person authorised to take acknowledgments of deeds and conveyances, one of which maps shall be filed in the office of the clerk of the county of Orange, there to remain of record, and the other of said maps to belong to and to be retained by said trustees.

IV. *And be it further enacted*, That whenever the said trustees of the village of Newburgh shall be desirous to open any streets, roads or highways so to be laid out as aforesaid, it shall be lawful for the said trustees to agree with the owner or owners of such lands, tenements or hereditaments for and about a reasonable compensation to be made to him, her or them for such lands, tenements or hereditaments, and in case of disagreement or in case such owner or owners shall be feme covert, under age, non-compos mentis, or out of the village of Newburgh, that then it shall be lawful for any two judges of the court of common pleas in and for said county of Orange, upon the application of either party, to nominate and appoint three discreet and disinterested persons, being citizens of said state, commissioners to view said lands, tenements and hereditaments, and to estimate the damage such owner or owners will respectively sustain by relinquishing the lands, tenements or hereditaments so required of them for the purposes aforesaid, and upon the coming in of such report, signed by the said commissioners, or any two of them, and the confirmation thereof by the said court of common pleas, the said trustees shall proceed to cause the same to be assessed by the assessors of said village upon all the property intended to be benefited thereby, in proportion as nearly as may be to the advantages which each shall be deemed thereby to acquire; and the said assessors after having made said assessment or estimate, shall certify the same in writing to the said trustees, and being ratified by the said trustees at their meeting, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively, and shall be a lien or charge on such lots as aforesaid, and such owners or occupants shall also respectively be liable on demand to pay the sum at which such houses or lots respectively shall be so assessed to the collector of said village; and in default of such payment, or any part thereof, it shall be lawful for the said trustees, or any four of them, of whom the president of said village shall be one, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale to such owner or occupant, and the money, when collected or recovered, shall be paid to the person or persons in whose favor the report for compensation may be made, in full satisfaction for such lands, tenements and hereditaments, and upon such assessment being completed the said trustees shall be and become seised in fee of all such lands, tenements and hereditaments, and thereupon the said trustees, or any person acting under their authority, may immediately take possession of the same without any suit or proceeding at law for that purpose, in trust nevertheless, that the same be kept open for a public street, road or highway: *Provided nevertheless*, That it shall be at the election of the owner or occupant of the land so included in any street, road or highway, to have his damages assessed by three commissioners as aforesaid, or by two justices of the peace and a jury, according to the provisions of the fifteenth section of the act entitled "an act to regulate highways," in which last case the costs of

Damages
how to be
estimated.

Assessments
how to be
made.

Proviso.

such assessment shall be paid as is in the said section of the said act provided.

Monies raised on lands belonging to infants, &c. how to be disposed of.

V. *And be it further enacted*, That whenever any of the proprietors of any such lands, tenements or hereditaments shall be infants, non compos mentis, or absent from the said county of Orange, the said trustees may pay the sums mentioned in such report that would be coming to such proprietors respectively into the said court of common pleas, to be secured, disposed of and improved as the said court shall direct, and such payment shall be equally valid and effectual as if made to such proprietors themselves if they had been present, of full age and compos mentis.

Trustees may sue for taxes assessed.

VI. *And be it further enacted*, That it shall be lawful for the said trustees, instead of the remedy herein above provided, if they shall see fit, in case any owner or occupant of any lands or tenements within said village shall neglect or refuse to pay the tax assessed as aforesaid, to sue for and recover the amount of the same from the owners of such lands or tenements, with interest and costs, in any court in the state having cognizance thereof, in an action of debt, in which action it shall be sufficient for the said trustees to alledge that the said defendant or defendants, or his, her or their testator or intestate is or are indebted to the said trustees in the sum so assessed as aforesaid, whereby an action hath accrued according to the form of the statute entitled "an act vesting further powers in the trustees of the village of Newburgh," to demand and have of the said defendant or defendants, his, her or their testator or intestate, the said sum of money without setting forth the special matter.

This act shall not affect agreements between landlord and tenant.

VII. *And be it further enacted*, That nothing in this act contained shall affect any agreement between landlord and tenant respecting the payment of any such tax, but they shall be answerable each to the other in the same manner as if this act had never been passed; and if any money so to be assessed shall be paid by any person when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs, in any court having cognizance thereof, in an action of debt, for so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence for the plaintiff in such suit.

VIII. *And be it further enacted*, That the village of Newburgh shall be considered as a town for all the purposes intended by this act, and by the act entitled "an act to regulate highways," and the several acts supplementary thereto, except that the overseers of streets, roads and highways for said village shall be chosen and appointed by the trustees of said village.

Persons sued under this act may give the special matter in evidence.

IX. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter of defence in evidence under such plea.

CHAP. CXVII.

An ACT to alter the Line between the counties of Jefferson and Lewis, and to erect a New Town by the Name of Wilna.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the boundary line between that part of the counties of Jefferson and Lewis lying on the east side of the Black river, shall hereafter be as follows, to wit: beginning at the Black river, at the southeasterly corner of the town of Champion, thence up the said river to a point where the division line between the nineteenth and twentieth northern ranges of lots of great lot number four of Macomb's purchase strikes the river, then easterly along said line to the southwest corner of the lot in the twentieth northern and eighth western ranges, then northerly along the line between the eighth and ninth western ranges to the southwest corner of the lot in the twenty-third northern and eighth western ranges, then easterly along the division line between the twenty-second and twenty-third northern ranges to the southwest corner of the lot in the twenty-third northern and fifth western ranges, then north to the south line of great lot number four, then easterly on said line to the corner of lots No. 904 and 942 of great lot No. 4, then northerly on the line between lots No. 904 and 942 to the southerly line of lot No. 905, then westerly along said line to the most westerly corner of said lot No. 905, then northerly on the line between lots No. 900 and 905 and the same course continued to the most westerly corner of lot No. 908, then westerly on the line between lots No. 897, 898 and the same course continued to the most westerly corner of lot No. 866, on the line between the said counties.

Line between
Jefferson and
Lewis altered.

II. *And be it further enacted,* That from and after the first day of January next, all the tract included between the bounds mentioned in the first enacting clause of this bill, and the boundaries between the counties of Lewis and Jefferson on the east side of the Black river, as the same existed previous to the passing of this law, together with all that part of the town of Le Ray bounded southerly by the Black river, easterly and northerly by the above mentioned line and the town of Antwerp, and westerly by a line beginning at the most easterly corner of lot No. 710, and running southerly on the division line between lots No. 710 and 739, and the same course continued until it intersects the Black river, be erected into a new town by the name of Wilna, and that all the remaining part of the town of Le Ray and all the remaining part of the town of Leyden shall be and remain separate towns as heretofore, by the respective names of Le Ray and Leyden, and the next town meetings in the said towns of Le Ray and Leyden shall be held where they now stand adjourned to in said towns.

Town of
Wilna erected.

III. *And be it further enacted,* That as soon as may be after the first town meeting shall be held in the town of Wilna, the supervisors and overseers of the poor of the said towns of Wilna, Le Ray and Leyden, on notice being first given by the said supervisors, shall meet together and divide the poor and money belonging to the towns of Le Ray and Leyden previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall thereafter respectively maintain their own poor,

Poor and
poor money
divided.

IV. *And be it further enacted*, That the first town meeting in said town of Wilna shall be holden at the house of Thomas Brayton, junior, innkeeper in said town.

CHAP. CXVIII.

An ACT for improving the Navigation of the River Bronx.

Passed April 2, 1813.

Preamble.

WHEREAS David Lydig, Herman Vosburgh, James Bathgate, Peter and George Lorillard and Peter A. Mesier, owners of manufactories established at and near the head of the tide waters of a certain creek or river called the Bronx, situate in the county of Westchester, have by their petition to the legislature, represented that the navigation of said creek is susceptible of great improvement, by certain alterations in the course thereof, and that they are willing to defray the expenses incident to such improvements: Therefore,

Commissioners to examine the creek

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Abraham Miller, William Hoffman and Jared Peck, be and they hereby are appointed commissioners to survey and examine the said creek from its outlet to the oil mill owned by the Bronx river paint company, and to designate the place or places, if any, between those points in which according to their judgment, it may be expedient to straighten or otherwise alter the course of the said creek and improve the navigation thereof, in order to promote the convenience and security of the said navigation, a report of which survey, under the hands of the said commissioners, or any two of them, designating the intended alterations in the course of the said creek, duly proved or acknowledged before a master in chancery or one of the judges of the court of common pleas of the said county of Westchester shall be filed in the clerk's office of the said county.

They shall have power to assess damages.

II. *And be it further enacted*, That the said commissioners, or any two of them, shall have power to appraise and assess the damages which may be sustained by the owner or owners of any land which may be required for the bed of the said creek by reason of such alteration in the course thereof and improvement of the navigation of the same, which appraisement, under the hands of the said commissioners, or any two of them, being first acknowledged or proved as aforesaid, shall be filed in the said office: *Provided*, That the said commissioners, previously to such appraisement shall meet at some convenient place in the town of Westchester, for the purpose of hearing the allegations and proofs of the owners of the said lands, as to the extent of the said damages, and that at least eight days notice of the time and place of such meeting shall be published in the nearest public newspaper printed within the said county, and that a copy of the said notice shall also be affixed on the outer door of the house in which is kept the public post-office in the village of West-Farms.

Proviso.

Lands may be entered on to cut a new channel, &c.

III. *And be it further enacted*, That it shall and may be lawful for the said David Lydig, Herman Vosburgh, James Bathgate, Peter and George Lorillard and Peter A. Mesier, or any of them, at any time hereafter, having first and within six years after the filing of the report of the survey aforesaid, in the office aforesaid, paid or tendered to the said owners respectively the sums which

shall be awarded to them respectively by the said appraisement, to enter on the said lands with their servants, workmen, teams and cattle, and to dig out a new channel or bed for the said creek, in the place or places so designated by the said commissioners, and to erect and put across the present bed or channel of the said creek, such mounds, dams, or obstacles as may be necessary to divert the course thereof into such new channel or bed, and make or cause to be made such said improvements in the navigation of the said creek: *Provided always*, That the said creek, notwithstanding any such alterations and improvements shall for ever be and remain free and open to all the citizens of this state, to sail upon and navigate, pass and repass, use and enjoy the same, with boats, vessels, and other craft, in like manner, to all intents and purposes as has been heretofore done: *And provided also*, That nothing herein contained shall be so construed as to authorise any alteration or change in the outlet of the said creek or river.

CHAP. CXIX.

An ACT to alter the Time of holding Town Meetings in the town of Virgil, in the county of Cortland.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town of Virgil, in the county of Cortland, shall be holden on the first Tuesday of March annually, and that all town officers whose duty it was to meet on the last Tuesday in April shall meet on the last Tuesday of March, to do and transact such business as to their respective offices may appertain.

CHAP. CXX.

An ACT to divide the Town of Murray, in the county of Genesee, into three Towns.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all that part of the town of Murray, in the county of Genesee, beginning at the southeast corner of the said town, thence running northwardly on the dividing line between the towns of Riga and Murray to the north line of township number two on the triangle, from thence due west to the transit line, from thence due south on the dividing line between the towns of Batavia and Murray, to the southwest corner of said town of Murray, from thence due east to the place of beginning on the dividing line between the towns of Caledonia and Murray, be and hereby is erected into a separate town by the name of Bergen, and the first town meeting shall be held at the house of Samuel Butler in said town.

II. *And be it further enacted*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred

and fourteen, all that part of the said town of Murray, beginning at the southeast corner of the last described town, and running northwardly on the dividing line between the towns of Riga and Parma to the north line of township number three on the triangle, from thence due west to the transit meridian line, from thence due south on said transit line to the northwest corner of the first described town, from thence due east to the place of beginning, be and hereby is erected into a separate town by the name of Sweden, and the first town meeting shall be held at the house of Johnson Beedle in said town,

III. *And be it further enacted*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all the remaining part of the said town of Murray shall be and remain a separate town by the name of Murray, and the first town meeting in the said town shall be held in the house of Henry M'Call.

Poor and poor
money to be
divided.

IV. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns shall, by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Murray, and the poor money belonging to the same previous to the division thereof, agreeably to the then last tax list, and that each of the aforesaid towns shall for ever thereafter maintain its own poor.

CHAP. CXXI.

An ACT to amend an act entitled, "an act to incorporate the Owego and Ithaca Turnpike Company.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the president and directors of the Owego and Ithaca turnpike company be and they are hereby authorised to build a bridge between the village of Ithaca and the head of the Cayuga lake, over that part of the road which is flooded and obstructed by the waters of the creek commonly called Fall creek, and as soon as the said bridge shall be completed, to erect a toll gate on or near said bridge, and to collect thereat a toll amounting to one half of the toll authorised and allowed to be taken at a gate on the turnpike road between the village of Owego and the village of Ithaca.

II. *And be it further enacted*, That it shall be lawful for the president and directors of said company to suffer waggons, the tire whereof shall be at least six inches wide, to pass the gates on said road toll free, and waggons with tire four and an half inches wide, to pass on paying half toll, and to exact and receive for every additional ox or horse over a span, used before any cart or waggon with narrow tire, six and one fourth cents, and for every one horse waggon, six cents, and for every sleigh or sled drawn by one horse, four cents.

CHAP. CXXII.

An ACT to repeal those parts of the act passed March 23d, 1810, and April 8th, 1811, respecting the Mechanics' Bank in the City of New-York, which relate to the appointment of two Directors in behalf of this State.

Passed April 2, 1813.

WHEREAS this state, for the consideration mentioned in an act respecting the subscription of this state to the Mechanics' bank in the city of New-York, and for other purposes, passed April 8, 1811, did transfer to the said corporation all its interest in the capital stock of said bank : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That that clause of the fourth section of the act entitled "an act to incorporate the Mechanics' bank in the city of New-York," which entitles the state to two additional directors in the bank, to be appointed in such way as the legislature thereafter should prescribe, and the sixth section of the said herein before mentioned act, passed April 8, 1811, which designates the time and mode of their appointment, be and the same is hereby repealed.

CHAP. CXXIII.

An ACT to incorporate the Amsterdam Bridge Company.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Samuel Voorhees, Benedict Arnold, George M'Elcheran, John P. Davis, Marcus T. Reynolds and Harmanus A. Veeder, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The President and Directors of the Amsterdam Bridge Company," for the purpose of building a bridge over the Mohawk river between the towns of Amsterdam and Florida at the most convenient place within one half a mile of the ferry commonly called Deforest's ferry : and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation : Provided, the real estate so purchased shall be such only as shall be necessary to promote or attain the object of this incorporation.*

S. Voorhees and others incorporated.

Their style, &c.

Affairs to be managed by five directors

II. *And be it further enacted, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders, and shall, together with a treasurer, be annually chosen and elected*

on the first Monday of July in every year, at such place in the village of Amsterdam as the directors for the time being shall appoint, of which notice shall be given in one of the newspapers printed in the county of Montgomery, at least thirty days before the day of meeting ; and the said election shall be held and made by such of the stockholders as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders ; and all elections shall be by ballot, and such persons as shall have the greatest number of votes given as treasurer shall be treasurer, and in like manner such five persons who shall have the greatest number of votes, given as directors shall be directors, and shall hold their offices for one year, and until others are elected in their places ; that if any vacancies shall happen by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them ; and that the first directors shall be Samuel Voorhees, Benedict Arnold, Salmon Waters, Joseph Elizbee and Harmanus A. Veeder, and the first treasurer shall be Marcus T. Reynolds, who shall hold their offices until the first Monday in July in the year of our Lord one thousand eight hundred and fourteen, and that the said directors at their first meeting appoint one of their number president.

First directors.

Stock.

III. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of the said corporation shall not exceed four hundred shares ; that each share shall be fifty dollars, and each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name.

Penalty for erecting a bridge or setting up a ferry near said bridge.

IV. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries across said river within one mile from the place where the bridge aforesaid shall be erected and built by the said company ; but it shall and may be lawful for any person or persons to pass and repass with his or their own boat, or on the ice, without being subject to toll.

Time allowed for building said bridge.

V. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of August in the year of our Lord one thousand eight hundred and eighteen, then the corporation created by this act shall be adjudged and considered as dissolved.

Monies subscribed may be demanded

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said president, directors and company.

Rates of toll.

VII. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Montgomery, or any two of them, shall upon inspection certify under their hands that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams with loaded carriages, it shall and may be lawful for the said president and

directors to erect a gate at either end of the said bridge, and demand, receive and take for the use of the said corporation, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by four horses, twenty-five cents, if drawn by two horses, twenty cents; for every curricule, chaise, chair or sulkey drawn by one horse, twelve and an half cents, if drawn by two horses, twenty cents; every waggon and two horses, twelve and an half cents, and three cents for every additional horse; every sled or sleigh drawn by two horses, twelve and an half cents, and three cents for every additional horse; each ox waggon or cart drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, six cents; every one horse cart, six cents; every one horse waggon, sleigh or sled, nine cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, three cents; every cow or other neat cattle, two cents; every score of hogs or sheep, ten cents, and so in proportion for a greater or less number; and it shall be lawful for the toll-gatherer at said gate to stop every foot passenger, and any person riding, driving or leading any beast or carriage, from going through such gate until they shall have respectively paid the toll therein.

VIII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered transitory in its nature.

Penalty for
injuring the
bridge

IX. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected on said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon, sled, cattle or other thing to pass the same without having paid the legal toll for passing the said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered in the name of the treasurer of said corporation, to their use, in an action of trespass, which action shall in every instance be considered as transitory in its nature.

Penalty for
passing the
gate without
paying toll.

X. *And be it further enacted*, That if the said bridge, after the same shall have been completed, shall at any time be impassable for the term of thirty days, then the said corporation shall cease, and the same is hereby declared in such case to be dissolved: *Provided nevertheless*, That no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accidents, in case the same shall be rebuilt within two years after the same shall be carried away: *And provided also*, That nothing in this act contained shall be deemed to inhibit ferriages across the said river until the said bridge is completed; and during such time as the said bridge shall be so out of repair as not to admit of the safe passing the same.

Company dissolved if the
bridge is impassable for
30 days with
proviso.

Stock confid-
ered personal
estate.

XI. *And be it further enacted,* That the shares in the said company shall be deemed, taken and considered to be personal estate, and shall be transferable in such manner and under such regulations as the president, directors and company shall direct.

Accounts to
be exhibited
annually.

XII. *And be it further enacted,* That the president and directors for the time being, or a majority of them, shall annually on the first Monday of July in each year, lay before the stockholders of the said corporation a general statement of their accounts and proceedings, which said statement it shall be the duty of the president and directors to lodge with the treasurer at least ten days previous to such annual meetings for the inspection and examination of stockholders.

Lands maybe
entered on
for building
bridge.

XIII. *And be it further enacted,* That the president and directors, their agents, artists, or other persons employed by them, may enter on and take possession of the lands on each side of the said river where the said president and directors shall determine to build said bridge; and in case said land so to be taken possession of shall not be part of the public highway, the said corporation shall, before taking the possession of any such land, pay the owner or owners thereof on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where the land shall lie, who shall be appointed for that purpose and sworn to make a just valuation, by the judges of the court of common pleas not interested, or a major part of them, held for the same county, on application made to them by the said president and directors for such appointment; and it shall be the duty of said president and directors to make such application within six weeks after possession taken of such lands and disagreement as to the value thereof: *Provided always,* That if the said bridge shall be carried away by ice, or be otherwise destroyed, or become impassible for carriages, and be not rebuilt within two years after such bridge be so carried away by the ice, or be otherwise destroyed, or be not rendered passible for carriages within thirty days after becoming impassible as aforesaid, that in either of the said cases the said president, directors and company, or the stockholders of the said company, if this corporation shall become dissolved, shall re-convey to the said owners respectively, and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners as shall be appropriated or be obtained by the said president, directors and company, by appraisement or otherwise, for the use of the said company, at and for such sum or sums of money as the said owners respectively shall receive for the same; and if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall, during twenty days after such request made, refuse or neglect to execute such conveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners respectively held the same before it was obtained or appropriated as aforesaid.

In what case
to be re-con-
veyed.

XIV. *And be it further enacted, That this act shall be in force for the term of twenty-one years after the completion of the said bridge, and toll is received for passing thereon, and no longer.*

CHAP. CXXIV.

An ACT to enable the Trustees of the German Reformed Church in the city of New-York to sell certain Lots of Land.

Passed April 2, 1813.

WHEREAS the trustees of the German reformed church in the city of New-York, by their petition, have applied to the legislature to be authorised to sell certain lots of ground in order to enable them to discharge their lawful debts : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of said church to sell, dispose of and convey, in fee simple, all those six certain lots of land, or any part thereof, situate, lying and being in the tenth ward of the city of New-York, being lots numbers two hundred and sixty-three, two hundred and sixty-four, two hundred and sixty-five, two hundred and sixty-six, two hundred and sixty-seven, and two hundred and sixty-eight, as described in the map of Delancy's land, and fronting on First, Second and Pump-streets.

CHAP. CXXV.

An ACT to prevent the Interruption of Public Religious Worship in the city of Albany.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of any religious society in the city of Albany, with the consent of the mayor or recorder or any two aldermen of the said city, to erect barriers across any streets in the said city contiguous to the respective places of worship in the said city, so as to prevent the passage of carriages during divine service on the Sabbath day and such other days as shall be set apart for public religious worship by lawful authority : Provided always, That such barriers shall not be erected before nine o'clock in the forenoon, nor continued after five o'clock in the afternoon, and shall not obstruct the side walks of any street.

CHAP. CXXVI.

An ACT for the Relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church of Linlithgow, in the town of Livingston, in the county of Columbia.

Passed April 2, 1813.

WHEREAS the minister, elders and deacons of the reformed Dutch church of Linlithgow, in the town of Livingston and county of Columbia, have by their petition represented, that Ro-

bert Livingston, esquire, by his will, dated in the year one thousand seven hundred and twenty-eight, devised forty acres of land for a minister's house to be erected thereon, and sixty acres for a farm, the whole to constitute a glebe, and twenty acres for the use of a clerk or reader in said church; and that the interest of the society requires, that another church, in a different situation, should be erected, 'and that these premises should be sold or exchanged for other land in that town:— Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the minister, elders and deacons of the reformed Dutch church of Linlithgow, in the town of Livingston and county of Columbia, or their successors, to sell and convey the whole or any part of the real estate of which they are seised, situate in the town of Livingston aforesaid, and a deed executed under their corporate seal, or under the hands and seals of the said minister, elders and deacons, or a majority of them for the time being, shall be valid and sufficient to convey the title to the purchaser in fee.

II. *And be it further enacted,* That all money arising from the sale of the aforesaid premises, shall be invested in the purchase of other land, situate in the town of Livingston aforesaid, which land shall vest in the said minister, elders and deacons, and be held by them for the same uses and purposes, that the land hereby authorised to be sold by them are now held, and for no other uses or purpose whatsoever: *Provided always,* That nothing herein contained, shall authorise the sale of the site of the present church in the village of Linlithgow, nor of the burying ground belonging thereto.

CHAP. CXXVII.

An ACT for the Relief of the Heirs of John Thurman, deceased, and for other purposes.

Passed April 5, 1813.

Preamble.

WHEREAS Ralph Thurman, as executor and heir, and in behalf of himself and the other heirs of John Thurman, deceased, hath represented to the legislature, that the said John Thurman, in his life time, was seised of several tracts of land in the county of Washington, supposed to contain about forty thousand acres, upon which there is now due to the people of this state a large sum of money for arrears of quit rents: And whereas the said John Thurman, in his life time, by the name of John Thurman the younger, obtained a judgment in the supreme court of the late colony of New-York, against John Wetherhead, on which there is now due for principal and interest, the sum of four thousand and fifty-two dollars and seventy-four cents, and which judgment is now a lien upon lands sold by the people of this state, in consequence of the attainder and conviction of the said John Wetherhead, for adhering to the enemy during the revolutionary war: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the comptroller be, and he

is hereby authorized and required to allow and credit the aforesaid sum of four thousand and fifty-two dollars and seventy-four cents, being the amount due for principal and interest on the said judgment, towards the satisfaction of any quit rents due to the people of this state from the heirs of the said John Thurman, deceased, and that upon the payment into the treasury of the balance remaining due on such quit rents after crediting the said sum of four thousand and fifty-two dollars and seventy-four cents, the comptroller shall give a certificate of the discharge of the said quit rents, and the aforesaid lands belonging to the heirs of the said John Thurman, deceased, now chargeable therewith, shall be therefrom exonerated and discharged accordingly.

Comptroller directed to credit and allow certain accounts.

II. *And be it further enacted*, That the sum of five thousand dollars, appropriated by the act entitled "an act to lay out and improve a road from Hadley landing, to intersect the great road leading from Glen's Falls to the Schroon lake," passed February twelfth, one thousand eight hundred and thirteen, shall be paid by the treasurer, on the warrant of the comptroller, in the manner directed by the said act, out of the first monies arising from the arrears or commutation for quit rents due, and hereafter to grow due, to the people of this state.

Five thousand dollars to be paid out of certain quit rents.

CHAP. CXXVIII.

An ACT relative to Union College Lottery.

Passed April 5, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the present managers of Union college lottery to make use of the surplus monies in their hands (being the proceeds of sales of tickets signed by them in the first class of Union college lottery number four) towards the payment of prize tickets signed by Stephen Thorn, since deceased, and which may still remain unpaid, in Union college lottery number three, and the first class of number four, and that they render an account to the comptroller within six months of the amount of prizes so paid by them.

II. *And be it further enacted*, That the attorney-general and the comptroller be and they are hereby authorized to settle and adjust the accounts of Stephen Thorn, deceased, with his legal representatives, relating to lottery number three, and the first class of number four, and to apply the monies received from them to the repayment of the sums so expended by the managers in the payment of the said prizes signed by Stephen Thorn.

CHAP. CXXIX.

An ACT relative to the Court of Probates and the Office of Surrogate.

Passed April 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That in case of the death, resignation, or removal from office of any judge of probate or surro-

gate, it shall be lawful for his successor in office to complete the unfinished business pending before such judge of probate or surrogate at the time of his death, resignation or removal.

CHAP. CXXX.

An ACT authorising the Governor to hold Treaties with the Indian Nations and Tribes within this state, and for other purposes.

Passed April 5, 1813.

Governor may hold treaties with the Oneida Indians.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this state for the time being, or his agent or agents, to hold a treaty or treaties on the part of the people of this state with the Oneida nation of Indians, or the Christian and Pagan party thereof, or any other of the Indian nations or tribes within this state, for the purpose of extinguishing their claim to such part of their lands lying within this state as he may deem proper, for such sums and annuities as may be mutually agreed upon by the parties.

Three thousand dollars allowed for that purpose.

II. *And be it further enacted,* That it shall and may be lawful for the person administering the government of this state for the time being, to draw from the treasury such sum or sums of money as may be necessary to defray the expense of such treaty or treaties, and for paying such part of the purchase money for the said lands as may be necessary, not exceeding three thousand dollars.

Pagan party allowed the use of a certain lot.

III. *And be it further enacted,* That that portion of the Oneida Indians known or distinguished by the name or appellation of the Pagan party, shall be entitled to retain for their own exclusive use and occupation, all that certain lot of land belonging to the state, situated on the southwest side of Oneida creek, and extending from the mouth of Mud creek to the division line between the Pagan and Christian parties so called, containing about four hundred and twenty-eight acres, until other disposition of said lot shall be made by law.

Oneida grand juries to be charged to present intruders on Indian lands.

And attorney to prosecute.

IV. *And be it further enacted,* That it shall be the duty of the justices who may hereafter hold any court of oyer and terminer, or of the general sessions of the peace, in and for the county of Oneida, to charge the grand jury to prevent any person or persons, other than Indians belonging to the said Pagan party, who shall intrude, occupy or settle on, or who are now in possession of any part of said lot; and it is hereby made the duty of the attorney of the Oneida Indians to prosecute all and every offender against the provisions of this act, who shall on conviction be subject to the like penalties mentioned in the sixty-fourth section of the act entitled "an act for the payment of certain officers of government," passed the 19th day of June, 1812.

CHAP. CXXXI.

An ACT for the Preservation of the Fishery in certain Waters therein mentioned.

Passed April 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to draw any seine, set any net or make any weir in any of the small streams within the towns of Mexico, Richland and Scriba, or in Nine mile creek, Red creek, and the two branches of Sodus creek, leading into Lake. Ontario, or within fifty rods from the mouth thereof, to divert salmon in their usual course in going up the said streams, and every person offending therein shall for every such offence forfeit ten dollars, besides the value of the salmon he may take by such seine, net or weir, to be recovered with costs of suit in any court having cognizance thereof, the one half of which forfeitures when recovered shall be paid to the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be had, to be applied to the repairing of the roads in such town.

CHAP. CXXXII.

An ACT for the Relief of John Fleming.

Passed April 6, 1813.

WHEREAS John Fleming, of the town of Salem, in the county of Washington, hath by his petition represented, that he being then an alien did in the year one thousand eight hundred and ten, purchase of Patrick Fleming, then also being an alien, a tract of land in the town of Salem aforesaid, containing about eighty acres, without a knowledge of his incapacity to receive a legal conveyance for the same, and praying that the said purchase may be confirmed: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said John Fleming shall be and he is authorised and empowered to hold and enjoy the said tract of land so purchased of the said Patrick Fleming, as fully and absolutely to him, his heirs and assigns, as he or they might have held and enjoyed the same had he been a natural born citizen of this state at the time of the said purchase: Provided always, That nothing herein contained shall be construed to confer on the said John Fleming any other rights appertaining to natural born citizens, except those of taking, holding and disposing of the said tract of land: And provided also, That nothing in this act contained shall be so construed, or taken as to impair or defeat the lien created by virtue of any judgment of any court of record in this state, or of any mortgage, recognizance or other security obtained against the said Patrick Fleming, which would have been chargeable upon the said tract of land, in the like manner as if the said Patrick Fleming had at the time of the filing of the record of such judgment, or making, or executing, or acknowledging such other security, or at any time thereafter, been qualified to re-

ceive a conveyance of the said tract of land as a natural born citizen of this state, any thing in this act contained to the contrary thereof in any wise notwithstanding.

CHAP. CXXXIII.

An ACT for the Relief of the Heirs of John Devendorf, deceased.

Passed April 6, 1813.

WHEREAS Margaret Devendorf, widow and administratrix of John Devendorf, late of the town of German-Flatts, in the county of Herkimer, deceased, Peter G. Helmer, one of the administrators of the said deceased, Rudolph Devendorf, one of the administrators of the said deceased, and guardian of Elizabeth Devendorf, Margaret Devendorf, Polly Devendorf, Christina Devendorf, John Devendorf, Jacob Devendorf and Abraham Devendorf, infant heirs of the said John Devendorf, deceased, and Henry Dygert, of the town of Frankfort in said county, have by their joint petition presented to the legislature set forth, that the said John Devendorf, deceased, during his life time, by articles of agreement bearing date the seventh day of January, in the year one thousand eight hundred and thirteen, did under his hand and seal, covenant and agree for himself, his heirs, executors and administrators, to and with the said Henry Dygert, to give to him the said Henry, on the first day of April, instant, a warrantee deed of a part, and a durable lease subject to the usual rents, of the remainder of a certain lot of land, bought by the said John of Timothy Campbell, lying in the town of German-Flatts, in said county, adjoining lots of land the one owned by Philip Crane, the other by Peter G. Helmer, containing about eighteen acres, and that in consideration of the premises, the said Henry Dygert, for himself, his heirs, executors and administrators, in the same articles of agreement, under his hand and seal, covenanted and agreed, to and with the said John, his heirs, executors and administrators, to pay to him the said John, his heirs and assigns, the sum of seven hundred and seventy-five dollars, with interest, at the times, and in the manner in the said articles of agreement mentioned and prescribed, and that the said Henry has paid part thereof, and is desirous that the said covenants and agreements should be carried into effect on the said first day of April, or at any time within sixty days thereafter, and that in the opinion of the said petitioners, the same would be advantageous to the heirs of the said deceased, and praying the aid of the legislature in the premises : And whereas no person is legally authorised to convey the said land : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Margaret Devendorf, Peter G. Helmer, and Rudolph Devendorf, administrators of the said John Devendorf, deceased, to release and convey by deed of warranty, the said one part, and by a durable lease subject to the usual rents, set to and farm let, unto the said Henry Dygert, his heirs and assigns, the remaining part of the said lot of land, according to the tenor and effect of the said articles of agreement, on the first day

of April, instant, or at any time within sixty days thereafter; and further, that the said deed and lease, by the said administrators made and delivered to the said Henry Dygert, at the time, or within the period last aforesaid, shall have the same effect and force as though the same were made, executed and delivered to the said Dygert by the said John Devendorf, and Margaret Devendorf, his wife, on the said first day of April: *Provided always*, That such conveyance shall not conclude the heirs of the said John Devendorf, deceased, unless the chancellor of this state shall indorse on the same a certificate that he is satisfied with the form of such conveyance, and that the same so made was necessary to fulfil an existing and valid contract, entered into by the said John Devendorf in his life time: *And provided further*, That the said administrators, before such sale shall be made and considered valid, shall execute a bond with two sufficient sureties, to be approved by the chancellor, in such sum as the chancellor shall direct, conditioned for the faithful execution of the trusts and duties vested in them by this act, which bond shall be filed in the office of the register of the court of chancery, for the benefit of all persons interested in the above sales to be made.

CHAP. CXXXIV.

An ACT to amend an act entitled "an act to establish a Turnpike Corporation for improving and making a Road from the house of John Roof, in Canajoharie, in Montgomery county, to intersect the Great Western Turnpike, between the house of William Sloan, and the church in Duaneburgh."

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited for completing the road mentioned in the act hereby amended, shall be extended to the first day of February, one thousand eight hundred and fifteen, any thing in the said act to the contrary notwithstanding.

CHAP. CXXXV.

An ACT authorising William Doty and others to erect a Dam across the Susquehannah River.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That William Doty and his associates, are hereby authorised to erect a dam across the Susquehannah river, directly between lots number forty on the south, and number one hundred and twenty on the north side of the said river, in Wallace's patent, for the purpose of erecting mills: *Provided*, That the dam so to be erected shall not exceed three feet in height: *And provided further*, That the said William Doty and his associates, shall erect an apron in said dam, of such construction as to render the passage safe and easy, for all

boats, arks and rafts, common in said river, at all times during the continuance of said dam: *And provided further*, That if the passage aforesaid shall at any time be obstructed, this act shall from thenceforth be absolutely void; And also, That such dam shall not affect the rights or property of any individual or individuals, without first obtaining the consent of such individual or individuals, any thing in this act to the contrary notwithstanding.

CHAP. CXXXVI.

An ACT to amend an act entitled "an act for the Relief of the Settlers on the Cayuga Reservation, and for other purposes," passed 14th February 1812.

Passed April 6, 1813.

Persons entitled to the pre-emption right.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That no person shall be entitled to the pre-emption right to any of the lands mentioned in the act hereby amended, unless such person was on the fourteenth day of February, in the year one thousand eight hundred and twelve, an actual occupant of such land, or was on that day the landlord of the occupant of such land, by virtue of a contract before made between them, and the commissioners of the land-office may require such proof of the occupation of such land, and of the making of such contract, as they may deem necessary and proper.

Patents may issue for parts of lots.

II. *And be it further enacted*, That in every case in which there shall be more than one occupant on any of the reverted lots in the Cayuga reservation, which shall have been appraised pursuant to any law of the state granting rights of pre-emption to such lands, it shall be lawful for the commissioners of the land-office to grant to any of such occupants the part to which he shall appear to be entitled by any such law: *Provided*, That such occupant shall produce a map with proper descriptions of such lot, divided according to the claims of the several occupants, made by a competent surveyor, and rendered under oath, together with a certificate under oath, signed by at least two persons to be appointed by the judges of the court of common pleas, or any two of them, which certificate shall state the proportion of the appraised value of such lot which each of such occupants ought to pay, according to the comparative value of his part thereof.

Proviso of an act of 1810 extended.

III. *And be it further enacted*, That the proviso in the act entitled "an act for the relief of the settlers on the two miles square reservation, on the east side of Cayuga lake," passed March the 30th, 1810, be, and the same is hereby extended to the first day of January next.

CHAP. CXXXVII.

An ACT to increase the Powers of the Trustees of the village of Johnstown, and for other purposes.

Passed April 6, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the trustees of the village of Johnstown shall at all times hereafter possess the same

powers in relation to the said village as are granted to the trustees of the village of Salem by the third section of the act entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Salem, in the county of Washington."

II. *And be it further enacted*, That in case any of the commissioners named in the act entitled "an act for laying out and making a road in the county of Cattaraugus," shall die, resign or refuse to serve, then and in such case it shall and may be lawful for the person administering the government of this state, by appointment under his hand, to fill any vacancy or vacancies which may happen as aforesaid.

CHAP. CXXXVIII.

An ACT to extend the Time for completing the Utica Turnpike Road.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited for completing the Utica turnpike road by the fourteenth section of the act entitled "an act to incorporate the Utica and Rome turnpike road companies," passed April 10th, 1805, be and is hereby extended to the first day of October eighteen hundred and fifteen, any former act to the contrary notwithstanding.

-CHAP. CXXXIX.

An ACT for the Relief of the Heirs of Thomas Snell, Isaac Huffmyer, and the Executors of Humphrey Shearman.

Passed April 6, 1813.

WHEREAS by the petition of Elizabeth Snell, administratrix of the goods, chattels, rights and credits, and guardian of the children of her late husband Thomas Snell, deceased, it is represented to the legislature that it would promote the interest of the heirs of the said Thomas Snell to sell part of the real estate of which he died seised : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Thomas R. Mercein and Peter Stagg, of the city of New-York, or either of them, in conjunction with the widow of said Thomas Snell, be and hereby are appointed trustees, with full power to grant, bargain and convey in fee the real estate at Mamaroneck, in the county of Westchester, of which the said Thomas Snell was seised at the time of his death, and to vest the money arising from such sale in any stock created by the United States or this state, or to put it at interest on good landed security, the interest of one third thereof the widow shall be entitled to receive annually during her natural life, and the remaining two thirds to be applied to the maintenance and education of the children of the said Thomas Snell, and to pay the surplus of the interest, with the principal respectively, as well as the said one third of the principal reserved for the use of the said widow after her death :

Heirs of T.
Snell relieved.

Provided, That the above named Thomas R. Mercein and Peter Stagg, or either of them, in conjunction with the widow of the said Thomas Snell, shall, before they make such sale, give a bond to be approved of by the chancellor of this state, to the said children, in such sum as the chancellor shall direct, for the faithful execution of the trust, which bond shall be filed in the office of the register or assistant register of the said court.

And whereas it has been represented that Isaac Huffmyer lately died intestate, seised in fee of two acres and a quarter of an acre of land, with a small unfinished building thereon, situate in the town of Orange, and in the county of Rockland; that he has left Margaret Huffmyer, his widow, and William Huffmyer and Elizabeth Huffmyer, his children, infants; that his personal property does not exceed fifty dollars, and that it will not only be beneficial but necessary to sell the said real estate for the maintenance of the said widow and the education of his children: Therefore,

Heirs of J.
Huffmyer
relieved.

II. *Be it further enacted*, That it shall be lawful to and for Cornelius Sickles and Richard R. Blauvelt, the guardians of the said infant children, to sell in fee, for the best price that can be gotten for the same, the said real estate, and to put the money arising from such sale at interest on good landed security, to pay the interest of one third thereof annually to the said widow during her natural life, to apply the interest and so much of the remaining two thirds thereof to the maintenance and education of the said children, and to pay the surplus to them respectively, as well as the said one third of the principal reserved for the use of the said widow, after her death: *Provided*, That the said widow shall join in the conveyance to be executed by the said guardians, for the extinguishment of her dower: *And provided further*, That the said guardians shall before they make such sale, give a bond with two sureties, to be approved by the chancellor of this state, to the said widow and children, in such sum as the chancellor shall direct, for the faithful execution of the said trust, which bond shall be filed in the office of the register or assistant register of the said court.

And whereas Gideon Shearman and Stephen Shearman, executors, and Lemuel Shearman, Job Shearman, Alexander Shearman, Durfee Shearman, Samuel Shearman, Gideon Shearman, David Shearman and Jacob Shearman, heirs of Humphrey Shearman, late of the town of Palmyra, in the county of Ontario, deceased, by their petition set forth to the legislature, that in the life time of the said deceased he did on certain conditions, contract for the conveyance of a part of his real estate, and the said conditions have been complied with on the part of the purchaser, and the said deceased in his last will made no provision for the fulfilment thereof on his part, therefore the petitioners pray the legislature to appoint Gideon Shearman and Stephen Shearman, executors of the last will of the said Humphrey Shearman, deceased, trustees to fulfil the contracts of the deceased: Therefore,

Heirs of H.
Shearman re-
lieved.

III. *Be it further enacted*, That Gideon Shearman and Stephen Shearman, executors of the said Humphrey Shearman, be and they are hereby authorised and empowered to fulfil all the lawful contracts of the said deceased, by executing convey-

ances to the purchaser or purchasers for the fulfilment thereof, as he in his life time might or could have done, which conveyances when given shall be valid in law and equity to all intents and purposes, as though he in his life time had actually done the same, any thing to the contrary notwithstanding : *Provided*, That the aforesaid executors shall submit evidence to the satisfaction of the chancellor of this state that such contract or contracts was made by Humphrey Shearman, and that the conditions of such contract or contracts was or were complied with by the purchaser or purchasers.

CHAP. CXL.

An ACT authorising Thomas Whitney, Ira Seymour and John Seymour 2d, to build a Toll Bridge across the Tioghnoga Branch of the Chenango River.

Passed April 6, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Thomas Whitney, Ira Seymour, and John Seymour, 2d, and their present and future associates, their assigns and successors, be, and they are hereby created a body corporate and politic, by the name of the "President, Directors and Company of the Lisle Bridge Company," for the purpose of building a bridge across the Tioghnoga branch of the Chenango river, in the town of Lisle, in the county of Broome, at or near the place where the bridge across said river was formerly erected, and near the mouth of the Otseclick river, so as to intersect the road leading westwardly on the west side of the Tioghnoga branch of the Chenango river, and they are hereby ordained, constituted and declared a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of said corporation : *Provided*, That the real estate so to be holden, shall be such only as shall be necessary to promote or obtain the objects of this corporation.

T. Whitney
and others in-
corporated.

Their style,
&c.

Proviso.

II. *And be it further enacted*, That Thomas Whitney, Ira Seymour and John Seymour 2d, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned; they shall on or before the first day of May next, procure three books, and in each of them enter as follows : We whose names are hereunto subscribed, do for ourselves and for our legal representatives, promise to pay the president, directors and company of the Lisle bridge company, the sum of ten dollars for every share of stock in said company, set opposite our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company—One of which books shall be left

Subscriptions
how to be re-
ceived.

with each of the commissioners aforesaid, at their respective places of abode, who shall keep the same open for receiving subscriptions, and every subscriber shall at the time of subscribing, pay unto either of the commissioners the sum of one dollar for each share so subscribed; and the commissioners shall, as soon as sixty shares have been subscribed, cause an advertisement to be inserted in the newspaper called the American Farmer, printed in the village of Owego, and the Broome County Patriot, printed in the town of Chenango, and place advertisements in the most public places in the aforesaid town of Lisle, giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing by ballot five directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and until others shall be chosen in their stead, and the day for choosing the said directors shall for ever thereafter be the anniversary day for choosing directors, and a majority of said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on the said corporation, and the said directors, elected by a plurality of votes of the stockholders present, shall within ten days thereafter proceed to the choice of one of their number for president, and the said president and directors may meet from time to time at such time and place as they may find expedient to direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Directors
how to be
chosen, and
their power.

300 shares to
be subscribed.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be three hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others, under them, as shall be necessary for executing the business of said corporation.

Stock.

IV. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of said corporation, shall not exceed three hundred shares, and the amount to be paid for each share or subscription shall be ten dollars, and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she may have or hold in his or her name.

Time for
building the
bridge.

V. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of May, one thousand eight hundred and sixteen, then the corporation created by this act, shall be adjudged and considered to be dissolved.

Toll how to
be regulated.

VI. *And be it further enacted*, That the rates of toll which said president, directors and company may demand and receive of and from all and every person using said bridge, shall be ascertained, fixed and determined by the court of common pleas, in and for the county of Broome, and being once so determined, the said toll shall remain unalterable, and said president, directors and company, shall receive no other or greater toll than what shall be so determined by said court of common pleas.

VII. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times, and such proportions, as they shall think fit, under pain of forfeiture of their shares and of all previous payments made thereon, to the said president, directors and company. Monies subscribed may be demanded

VIII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company, double the amount of damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt in any court having cognizance thereof, which action shall, in every instance be considered as transitory in its nature, and shall and may be triable in any court in this state. Penalty for injuring the bridge.

IX. *And be it further enacted*, That the said bridge shall be at least twenty feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good and substantial railings. Bridge to be 20 feet wide.

X. *And be it further enacted*, That the said bridge shall be so constructed as not in any manner to obstruct the channel of the said river, or prevent in any wise the free passage of rafts and boats. It shall not obstruct the channel.

XI. *And be it further enacted*, That this act be, and the same is declared to be a public act, and shall be construed favorable for every beneficial purpose therein mentioned. This a public act.

XII. *And be it further enacted*, That if the said bridge, after the same has been completed, shall at any time be impassable for the term of three months, that then the corporation shall cease, and the same is hereby declared in such case to be dissolved: *Provided nevertheless*, That no such dissolution of the corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accident, in case the same shall be rebuilt within one year after the same shall be carried away. Company to be dissolved if the bridge is impassable for 3 months.

XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over the said bridge in pursuance of this act, or shall cause his or their horses, carriage, waggon, sled, or other thing or things, to pass the same, without paying the legal toll for passing the said bridge, such person or persons shall pay a fine of five dollars, to be recovered by the treasurer of the said corporation, to their use in an action of debt, with costs of suit. Penalty for passing the gate without paying toll.

XIV. *And be it further enacted*, That this act shall continue in force for twenty years from the time of its passage, and no longer. This act to be in force for 20 years.

XV. *And be it further enacted*, That so much of the ninth clause of the act passed June 10th, 1812, entitled "an act authorising Simeon Rogers, Robert Ogden Edwards and William Rose to build a toll bridge across the Tioghnioaga branch of the Chenango river," as directs the said bridge to be twenty-five feet in width, be and is hereby repealed, and that the said bridge shall be at least twenty feet in width. Part of a law repealed.

CHAP. CXLI.

An ACT to incorporate the Lenox Water Company.

Passed April 6, 1813.

Preamble.

WHEREAS Moses H. Cook, together with sundry other citizens, have associated for the purpose of supplying that part of the town of Lenox, in the county of Madison, situated on the Seneca turnpike road, called Federal Hill, with pure and wholesome water, for the use of such of the inhabitants thereof, and others, as may be inclined to take the same : Therefore,

W. H. Cook
and others in-
corporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Moses H. Cook, Abraham V. Camp, Ambrose Andrews, and such others as may become interested in the association or company, formed for supplying that part of the town of Lenox, in the county of Madison, situated on the Seneca turnpike road, called Federal Hill, with water, by means of conduits or aqueducts, shall be, and are hereby created and made a corporation and body politic, in fact and in name, by the name of the "Lenox Water Company," and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court of record ; but shall not be capable of holding any real estate, excepting such as may be necessary for such conduits or aqueducts, in any other place than in that part of the aforesaid town, called Federal Hill, aforesaid, or any real or personal estate, exceeding the annual value in the whole, of five hundred dollars, exclusive of the profits or income of such conduits or aqueducts.

Their style,
&c.

Officers how
to be elected.

II. *And be it further enacted,* That it shall and may be lawful for any three of the said persons so associated, or to be associated, by a notice to be given in writing, at two of the most public places in Federal Hill, five days at least previous to any meeting, to convene the said company or association at the most convenient and public place therein, and such of the members of the said association, being at least a majority of the whole number, as shall so convene, shall be, and are hereby authorised by a vote of a majority present, to elect and appoint a treasurer, clerk and collector of such association, and such other agents as may be necessary to carry into effect the objects of the association ; to make and ordain all such by-laws, rules and regulations, relative to the said conduits or aqueducts, as they may deem proper and necessary for the superintendence, regulation and management of the same, and of such as may be added thereto ; and for the alteration, preservation and reparation thereof ; or for the equal assessment and collection amongst the proprietors of the same aqueducts, in proportion to their respective rights or shares, of all costs and expenses arising in the execution of all such by-laws, rules and regulations aforesaid : And further, to institute such suits in the name of such company or association, as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty imposed as aforesaid : *Provided,* That no penalty be imposed by virtue of any such by-laws or regulations as aforesaid, shall be contrary to the laws of this state, or exceed twenty dollars for any one offence.

Proviso.

III. *And be it further enacted,* That the said treasurer shall

receive and pay out all monies collected by virtue of this act, agreeably to the orders and directions of the said association ; and the said clerk shall enter in writing, all the proceedings of the same association or company, when convened as aforesaid, under this act ; and the said collector shall levy and collect all such taxes and sums of money so as aforesaid to be voted in pursuance of this act, agreeably to such tax-list or assessment roll as shall be made out and delivered him by the said clerk, the same being by him first certified and subscribed, and shall pay the same monies over to the treasurer of the said association ; and the said collector shall have the like powers, and may proceed in like manner, in the said collection, as is by law prescribed to the collector of any town, in the collection of the contingent charges of the county.

Duty of the officers.

IV. *And be it further enacted*, That all transfers of shares in the said association or company, shall be made and entered in a book to be by them provided for that purpose, under such regulations as may be prescribed by the said association.

Transfers how to be made.

CHAP. CXLII.

An ACT for the Relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church in Union Village.

Passed April 6, 1813.

WHEREAS Charles Ingalls did in his life time receive a conveyance for a certain lot of land, situate in the town of Greenwich, in the county of Washington, in trust for such persons as should associate and form themselves into a religious society : And whereas such society has been formed under the name and style of the " Minister, Elders and Deacons of the Reformed Protestant Dutch Church of Union Village," and have erected a church upon the said lot of land : And whereas the said Charles Ingalls has since deceased, leaving two children, minors, above the age of fourteen years : And whereas the said minister, elders and deacons have, by their petition presented to the legislature, prayed relief in the premises : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the children of the said Charles Ingalls, by and with the advice and consent of their guardian, or the administrators of the estate of the said Charles Ingalls, to convey to the said minister, elders and deacons, and to their successors in office, the said lot of land conveyed to him in trust as aforesaid, which conveyance when made as aforesaid shall be obligatory and binding upon the children of the said Charles Ingalls and all other persons claiming under him or them, notwithstanding their minority.

CHAP. CXLIII.

An ACT altering the Time of holding Town Meeting in the Town of Rossie, and the Name of the Town of Bellona.

Passed April 6, 1813.

WHEREAS by an act entitled " an act dividing the town of Russell," passed January 27th, 1813, a new town by the name

of Rossie, was erected, and no election of town officers was held at the usual time in said town of Rossie for the want of notice of such division : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the first town meeting for the election of town officers for said town of Rossie, shall be held on the third Monday of April instant, at the house of Reuben Streater in said town, and that the same shall be as valid as if held at the usual time, any thing contained in any law to the contrary notwithstanding.

II. *And be it further enacted,* That from and after the tenth day of May next, the town of Bellona so called, in the county of Genesee, shall be known and called by the name of Le Roy, and all returns, laws, records and proceedings heretofore made or had from, to, of or respecting that town, either by the name of Bellona or Le Roy, shall be as valid in law as if the said town had been heretofore called or known by the name of Le Roy.

CHAP. CXLIV.

An ACT to incorporate the Seneca Lock Navigation Company.

Passed April 6, 1813.

W. Mynderse
and others in-
corporated.

Their style,
&c.

First direc-
tors.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Wilhelmus Mynderse, Samuel Colt, Abraham Dox, Elisha Williams, Herman H. Bogart, Benjamin Dey and Robert S. Rose, and all such persons as shall associate with them for the purpose of improving the navigation between the Seneca and Cayuga lakes, be and are hereby constituted a body corporate and politic, in fact and in name, by the name of "The President, Directors and Company of the Seneca Lock Navigation," and by that name shall have perpetual succession, and may sue and be sued, defend and be defended, implead and be impleaded in all courts and places whatsoever; and may have a common seal, and may change the same at pleasure; and the affairs and business of said corporation shall be and are hereby intrusted to the management and direction of seven directors, to be elected in the manner herein after mentioned, four of whom shall constitute a quorum for the transaction of business; and the first directors shall be the following persons, to wit, Wilhelmus Mynderse, Samuel Colt, Abraham Dox, Elisha Williams, Herman H. Bogart, Benjamin Dey and Robert S. Rose, who shall hold their offices until the first Monday of May, one thousand eight hundred and fourteen, and until others be chosen in their stead; and annually on that day thereafter, the directors of the said corporation shall be elected at such place as the board of directors shall previously appoint at least thirty days before such election, which appointment shall be published for three weeks successively in one of the public newspapers printed in the village of Geneva, and the directors shall choose one of their number to be president: but in case he shall be absent at any meeting of the directors, they may appoint a president pro hac vice; but the corporation shall not be dissolved by rea-

son of not holding the annual election at the day and place appointed ; and the directors may provide for such omission, and for holding an election at some other time ; and if any vacancy shall occur in the board of directors before an election shall be held, such vacancy, for the remainder of the year, may be filled by the rest of the directors.

II. *And be it further enacted*, That the capital stock of said ^{Stock.} company shall consist of two thousand shares, of twenty-five dollars each ; and that Abraham Dox, Wilhelmus Mynderse and Elisha Williams, be, and are hereby appointed commissioners to open three books, for the purpose of receiving subscriptions to the capital stock of said corporation, in each of which shall be written as follows :—" We whose names are under written, severally for ourselves and legal representatives, promise to pay the president, directors and company of the Seneca lock navigation, twenty-five dollars for every share of stock set opposite our respective names, in such times and portions as the said president, directors and company shall require : " and every subscriber shall at the time of his subscription, pay to the said commissioners, or one of them, two dollars and fifty cents on each and every share so subscribed ; and it shall be lawful for the said president and directors to call for and demand payment of such further portion of the said stock as in their judgment may from time to time be necessary, under the penalty of forfeiting their said stock and all previous payments made thereon, they giving at least sixty days notice in a newspaper printed at Geneva of such requisition, and of the time and place when and where payable ; and it shall be the duty of the said commissioners to keep the said books open for every person to subscribe, until the whole number of shares shall have been subscribed ; and if a greater number than two thousand shares are subscribed, the said three commissioners shall apportion the stock as near as may be among all the subscribers, in proportion to their respective shares : the commissioners shall deliver over the subscription books, when filled, or sooner, if called for by the said president and directors, to them, and pay over all money deposited on the subscriptions, as aforesaid, to the said president and directors : Every stockholder shall be entitled ^{Votes.} to as many votes as he has shares of stock in said corporation.

III. *And be it further enacted*, That the said president and ^{By-laws may be made.} directors shall have power to pass such by-laws, rules, orders and regulations, for the well ordering the concerns of said corporation, as they shall deem necessary, provided the same are not contrary to the constitution or laws of this state or of the United States, and the corporation may take, purchase or enjoy, lands, tenements and hereditaments, goods, chattels and effects, or any estate, real or personal, not exceeding ten thousand dollars in value ; and the president and directors may convene special meetings of the stockholders, giving at least thirty days notice, by publication as aforesaid, of the time and place of such meeting ; the said board of directors shall also have power to appoint such and so many officers, agents, clerks, superintendents, engineers, toll-gatherers, workmen and other persons, as they shall deem proper, in and about the business and concerns of the said corporation ; to require or receive of and

from them, their treasurer, or other persons in their employ, bonds in sufficient penalties, with such sureties for the faithful discharge of their trust, as they think proper, to discriminate in their discretion, in the toll they shall receive under this act, between empty and laden vessels, and to reduce the same ; and further, in their discretion, to estimate the toll, either according to the tonnage of vessels, or rafts, or to charge a specific toll on every particular article, but the aggregate toll on particular articles shall not exceed upon a ton weight of such articles, the toll authorised by this act.

Lands may be taken & used.

IV. *And be it further enacted*, That it shall be lawful for the said corporation to take and use any land, whethe. under water or not, for the purposes of navigation, during the continuance of this incorporation.

Locks how to be made.

V. *And be it further enacted*, That the locks and canals constructed under this act, may be of such breadth as the said board shall determine, provided they shall be not less than twelve feet broad at the bottom or base, nor any lock less than seventy feet long between the gates thereof ; and further, it shall be lawful for the said president and directors, or any person by their authority, to enter into and upon any lands, whether covered with water or not, to procure stone, timber or earth, necessary to build the locks and canals of said corporation, and to keep them in repair, and that without the leave or permission of the owner, and to dig, trench and use the said lands to construct the said canal and its embankments, and to keep the same in repair, and to erect locks and toll houses thereon, and for no other purpose : *Provided always*, That when any lands or materials shall be taken without the consent of the owner, for the use of the said corporation, the directors shall within sixty days thereafter, apply to a justice of the supreme court, or a judge of the court of common pleas of the county of Cayuga, not being interested in the premises, to cause the damages of such owner to be appraised, which justice or judge shall thereupon by warrant under his hand and seal, appoint three disinterested commissioners, who shall before they enter upon the duties of their office, take and subscribe an oath, well and faithfully to appraise the damages of such individual, and value the materials ; and before they make the appraisement or valuation, they shall give the owner or occupant notice, by leaving the same with him or at his place of abode, if in this state, of the time and place of such appraisal ; and the damages so appraised by such commissioners, shall be paid by such corporation within sixty days thereafter, or tendered to the person in whose favor the damages are so appraised, or in default thereof, such corporation shall be deemed trespassers, and liable to be sued as such, by virtue of this act.

Provide.

Rates of toll.

VI. *And be it further enacted*, That the toll-gatherers or their deputies, under this act, may demand and receive from all boats, vessels, rafts, or other articles, passing through the canals and locks constructed by virtue of this act, such toll and rates for every ton weight of the ascertained burthen of such boats or vessels, and for every hundred feet cubic measure, of timber, and one thousand feet board measure, of boards, planks, or scantling in rafts, as the board of directors shall determine, but the toll in the whole, shall not exceed two dollars for every ton of the

loading of any such boat or vessel, and so in proportion for the timber, boards, plank, scantling, or other articles; but boats of a burthen of less than a ton, shall pay the toll for a ton; and further, if any owner or supercargo shall request it, it shall be lawful for the toll-gatherer, and such owner or supercargo, each to choose one person to measure and ascertain such burthen, and to mark the same on such boat or vessel, which mark shall always be evidence of the burthen, in payment of toll; but if the owner or supercargo should refuse or decline to choose a person on his behalf, as aforesaid, then the toll-gatherer may appoint one for him, and such person shall have the same power and authority as if chosen by such owner or supercargo; and further, the toll-gatherers may respectively stop and detain any boat or vessel subject to and not paying toll, until such toll be paid, or may destrain sufficient of the cargo to pay the same, and after thirty days to sell the same at public vendue unless the toll be sooner paid, and the overplus, if any, to retain for the use of the owner, after deducting all charges incident to the seizure, detention and sale; and further, if any person shall wilfully do any act whereby any lock, canal, gate, engine, machine, or other thing thereto pertaining, shall be injured or damaged, such offender shall pay fourfold damages and costs to the said corporation, recoverable in any court having jurisdiction thereof: *Provided always*, That the said corporation shall not be permitted to ask or demand any toll under this act, until the locks and canals aforesaid shall be completed in the whole extent from the Seneca to the Cayuga lakes: *Provided further*, That the toll to be taken upon any boat, shall be thirty cents per ton upon the tonnage of said boat: *Provided further*, That one half and no more of the aforesaid toll shall be demanded or received, for passing from the Seneca lake to the head of the Seneca falls, or from thence to the Seneca lake: loading charged with toll under this act, shall be computed in this manner, to wit: two hogsheads of liquor, one ton; eight barrels of liquor, salt, beef, or pork, one ton; six barrels of pot or pearl ashes, one ton; ten barrels of flour, one ton; forty bushels of wheat, rye, corn or beans, one ton; eighty bushels of oats, one ton.

Proviso.

VII. *And be it further enacted*, That the rules and articles prescribed in and by the sixth section of the act entitled "an act for the establishing and opening lock navigation within this state," except the first, second, fourth, fifth, tenth and eleventh articles, shall form and be fundamental rules of the corporation hereby erected. No person shall be eligible as director who shall not be a stockholder, and resident in this state at the time of such election: dividends shall be made and declared once at least in every year, and twice, if the board of directors think proper: no transfer of stock shall be made but in the manner directed by the board of directors.

Certain rules to be adopted.

Dividends and transfers.

VIII. *And be it further enacted*, That the eighth and tenth sections of the act referred to in the foregoing section shall apply to the corporation hereby created, as if the same were here inserted; and further, whenever one thousand shares shall have been subscribed to the corporation, it shall be lawful for the comptroller of this state, and he is hereby required to subscribe on behalf of this state, five hundred shares, and thereupon to is-

Comptroller directed to subscribe 500 shares.

sue his warrant to the treasurer to pay the necessary deposit out of the treasury, and such further sums as may from time to time be required by the said board on such shares, in like manner as other stockholders shall be required to pay, but not otherwise ; and the comptroller shall be entitled to vote on such shares, either in person or by proxy, in like manner as other stockholders ; and the dividend to which this state shall be entitled shall be paid to the treasurer thereof.

The water may be used for mills, &c.

Proviso.

Cuts may be made from the canal.

Proviso.

Accounts of the expenses and income to be lodged in the comptroller's office.

Annual receipts limited to 12 per cent.

Surveyor-general to be a director.

This a public act.

Proviso.

IX. *And be it further enacted*, That whenever the navigation shall be completed, any owner or occupant of any land adjoining the said outlet may use the waters for mills, or other hydraulic works, but such use shall at no time impede the passage of boats, or other water craft or articles, or injure or affect the navigation, or the canals, locks, or dams, or appurtenances belonging to the said corporation : *Provided*, That nothing in this act shall authorise the said corporation to use any of the waters of said outlet for any other purposes than for the navigation aforesaid.

X. *And be it further enacted*, That it shall be lawful for the owner or occupant of lands adjoining the said outlet and canal to make from the canals all necessary cuts, at their own expense, to conduct the water to their mills, or other hydraulic works, so however as not to impede the navigation aforesaid, or prevent the company from the use of so much water as at all times shall be necessary for the purposes of said navigation : *Provided*, That such owner or occupant shall not claim any payment for the stone, gravel or timber to be used by said company in making said canals and locks, or for the land taken therefor.

XI. *And be it further enacted*, That the said president and directors shall, within six months after said locks and canals are completed, lodge in the comptroller's office of this state an account of the expenses thereof ; and the corporation shall annually exhibit to the comptroller a true account of the income arising from said toll, with the annual disbursements on the said locks and canals ; and that the said company shall so regulate their receipts and rates of toll at all times during the continuance of their charter, that the amount of their annual receipts shall not exceed twelve per cent over and above all their necessary expenditures.

XII. *And be it further enacted*, That the surveyor-general of this state shall always be one of the directors of the said company, in addition to the number of directors herein before provided for.

XIII. *And be it further enacted*, That this act shall be and is hereby declared a public act, and to be construed favorably to the said corporation : *Provided however*, That the locks and canals shall be completed within five years from the passage of this act ; and if the same are not so completed within the time aforesaid, this act and every thing herein contained, shall cease and be void.

CHAP. CXLV.

An ACT for the Relief of the Heirs of Mary Elmer.

Passed April 6, 1813.

WHEREAS by the petition of Joshua Conkling, guardian of three orphan children of Mary Elmer, deceased, it is represented

that the said Mary Elmer died about three years ago, leaving three orphan children, and possessed of very little personal property, but entitled to one undivided seventh part of about forty acres of land, situate in the village of Florida, in the county of Orange aforesaid, which in its undivided state is unproductive, and that he has expended all the personal property of the said Mary towards the support of her said children, and hath advanced a considerable sum of his own money towards the support of said children, and that he cannot in justice to himself advance a further sum, and prays that he may be authorised by law to sell and dispose of the interest of the said orphan children in the said lot of land for their benefit : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Joshua Conkling, guardian of the said infant children, to sell in fee, for the best price that can be gotten for the same, the said real estate, and put the money arising from such sale at interest, on good landed security, and to apply the interest of the money arising from the sale of said lands to the maintenance and education of the said children, and so much of the principal as shall be necessary for that purpose, to pay the surplus to them respectively, according to their right in said land, when they respectively arrive to the age of twenty-one years : *Provided,* That said guardian shall, before he makes such sale, give a bond with two sureties, to be approved by the chancellor of this state, to the said children, in such sum as the chancellor shall direct, for the faithful execution of the said trust, which bond shall be filed in the office of the register or assistant register of the said court.

CHAP. CXLVI.

An ACT to alter the Time of holding Town Meetings in the several towns in the county of Montgomery.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Tuesday of April instant, the town meetings in the several towns in the county of Montgomery shall be held on the first Tuesday in March annually, and that all such town officers, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. CXLVII.

An ACT to incorporate the Stockholders of the Bank of Orange county.

Passed April 6, 1813.

WHEREAS Reuben Hopkins, George D. Wickham and others, by their petition to the legislature, have prayed to be incorporated for banking purposes : Therefore, Preamble.

Company
incorporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all persons by virtue of this act becoming stockholders of said bank be and they are hereby ordained, constituted and declared to be from time to time, until the first Tuesday in May, which will be in the year one thousand eight hundred and thirty-three, a body politic, and corporate, in fact and in name, by the name of the "President, Directors and Company of the Bank of Orange County," and that by that name, they and their successors, until the said first Tuesday of May, in the said year one thousand eight hundred and thirty-three, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of Orange county, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation.

Their style
and powers.

Stock.

II. *And be it further enacted,* That a share in the said bank shall be fifty dollars, and the number of shares shall not exceed eight thousand, and that no individual shall hold at any one time more than two hundred shares of the said stock, and that James W. Wilkin, George D. Wickham, David M. Westcott, John G. Hurtin, James Wheeler, John Barber and James Finch, junior, are hereby appointed commissioners, any five of whom to constitute a board for the purpose of opening books on the first Monday of May next, at some proper place in the village of Goshen, and that the same be kept open for three days successively in that week, and for three days successively in the succeeding week, in which all persons inclining to associate for the purpose of establishing a bank in the said village of Goshen, shall subscribe such number of shares as they respectively wish, depositing at the same time with the said commissioners the sum of two per cent on the amount of each share by them so subscribed; and if the number of shares so subscribed, shall exceed eight thousand, the said commissioners shall apportion the excess among the several subscribers, in proportion to the shares subscribed; and the said commissioners shall be the inspectors of the first election for directors, and shall certify under their hands the names of those duly elected, and deliver over to them or their order, the subscription books, together with the deposit money on the stock so subscribed.

Affairs how
managed.

Election

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall hold their offices for one year, which directors shall be stockholders and citizens of this state; and that the first election of directors shall be held at the court house in Goshen on the first Monday of June next, and each succeeding election for directors shall be held thereafter on the first Monday of June in each year, at such place and hour of the day as a majority of the directors for the time being (who shall upon all occasions constitute a board for the

transacting of business) shall appoint, notice whereof shall be given by the said directors in one or more of the newspapers, printed in the said county of Orange, at least thirty days previous to the day of holding such election, and the said election shall be held and made by such of the stockholders of said bank as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and all elections shall be by ballot, each share entitling its owner to a vote, and the thirteen persons who shall have the greatest number of votes, shall be directors; and if it should happen at any such election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed to ballot, and by plurality of votes, determine which of said persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of thirteen; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner by ballot to elect one of their number to be their president; and whenever any vacancy shall happen among the directors, by death, resignation or removal, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person or persons as the rest of the directors, or a majority of them, may appoint.

IV. *And be it further enacted,* That in case it should at any time happen, that an election of directors should not take place on any day on which pursuant to this act it ought to have taken place, the said corporation shall not for that cause be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

V. *And be it further enacted,* That in case the said number of eight thousand shares shall not be subscribed on the books directed by this act to be opened by the commissioners aforesaid, subscriptions shall be kept open under the direction of the president and directors of said bank at such times and places as they shall think proper, until the said number of shares be subscribed.

Subscriptions
to be kept
open.

VI. *And be it further enacted,* That the directors for the time being, or a major part of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and of all such other matters as appertain to the business of a bank, and shall have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided,* That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

By-laws how
to be made.

VII. *And be it further enacted,* That the said bank shall be established and kept, and the business thereof at all times after the organization of the same, shall be transacted at such place within the said village of Goshen, as the president and directors may deem proper.

Bank to be
kept in Go-
shen.

Debts not to exceed three times the capital.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in said bank, shall not exceed three times the amount of the capital stock subscribed, and actually paid into said bank, and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with such excess; but such of the directors who have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

Lands, &c. on what conditions to be held.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of bona fide debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: And further, the said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Bills to be assignable.

X. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names, and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private and natural capacity or capacities, and shall be assignable and negociable, in like manner as if they were so issued by such private person or persons.

Calls may be made on the stockholders.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said company, always however, giving at least thirty days notice of such call and demand, in one of the newspapers published as aforesaid.

XII. *And be it further enacted,* That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first Monday in June, which will be in the year one thousand eight hundred and fourteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

This act not to be forfeited by non-user.

XIII. *And be it further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank as to them, or a majority of them, shall seem advisable; and that every cashier and clerk, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved by the directors for the time being, or a majority of them, in a sum not less than ten thousand dollars for such cashier, and two thousand dollars for such clerk, conditioned for the faithful discharge of their several duties.

Dividends.

XIV. *And be it further enacted,* That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum, unless the said loans or discounts shall be made for a longer period than ninety days, in which case the said corporation shall be entitled to demand and receive an interest not exceeding seven per centum per annum.

Rate of interest.

XV. *And be it further enacted,* That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

This a public act.

CHAP. CXLVIII.

An ACT authorising a Dam to be built across Haerlem River.

Passed April 8, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Robert Macomb, of the city of New-York, his heirs and assigns, first obtaining the consent of the mayor, aldermen and commonalty of the city of New-York thereto, to build, construct, make and maintain a dam across the Haerlem river, from Bussing's Point, in the ninth ward of the said city, to Devoe's Point in the town of Westchester, in the county of Westchester, which said dam may be constructed with a foundation and abutments of stone and earth, or other durable materials, leaving in the centre or other part thereof, a sufficient space for the water to pass freely through, on which space may be constructed flood gates, or other contrivances, needful to contain the waters of said river, so however that such dam shall not be built, constructed or made at or below the place where the bridge authorised to be erected and built by the Haerlem bridge company, from Bussing's Point aforesaid to Devoe's point aforesaid, shall be erected and built without the consent of the said company: *Provided always,* That the said dam shall not be so constructed as to force or cause the water of said river to rise and overflow the salt mead-

R. Macomb allowed to build a dam across Haerlem river.

ows, or other grounds lying between the said dam and Kingsbridge, or any part thereof, or cause the tide or other water, to continue or remain on said meadows or grounds, longer than the same otherwise would have done: *And provided further*, That if any damage or injury whatever shall accrue to the meadows or other grounds aforesaid, in consequence of the building of said dam, the said Robert Macomb, his heirs and assigns, shall indemnify and make whole the party or parties injured, for the loss or damage sustained by him or them as aforesaid.

A lock or apron shall be made in the dam.

II. *And be it further enacted*, That the said dam shall be so made and built as to admit the passage of boats and vessels accustomed to navigate the same, by means of a good and sufficient gate, lock, apron or other contrivance, and the said Robert Macomb, his heirs and assigns, at his or their own expense, shall keep and provide a suitable person to attend the same, so that no unnecessary delay may happen to those who may have occasion to pass the same with boats or vessels as aforesaid.

It shall be kept in repair.

III. *And be it further enacted*, That the said Robert Macomb, his heirs and assigns, at his or their own expense, shall at all times keep in good and sufficient repair the said dam; and in case the said gate, lock, or other contrivance, whereby or through which boats are to pass as aforesaid, shall not be kept in sufficient repair and condition, or if the said Robert Macomb, his heirs and assigns, do not at all times keep a suitable person to attend the same, or if any delay should happen to any person who may have occasion to pass the same with boats or vessels as aforesaid through the default of the said Robert Macomb, his heirs or assigns, or his or their agents or servants, he or they shall forfeit for every neglect, the sum of five dollars, to be recovered with costs of suit by the party injured.

R. Macomb to have the sole right of using the waters.

IV. *And be it further enacted*, That the said Robert Macomb, his heirs and assigns for ever, shall hold, have and enjoy the sole right and privilege of using and employing the waters so dammed, for milling and other purposes: *Provided*, That the assent of the mayor, aldermen and commonalty of the city of New-York to the building and constructing said dam herein before mentioned as herein aforesaid be first obtained by the said Robert Macomb, his heirs or assigns, before he or they shall be authorised to build or construct the same: *Provided also*, That nothing in this act contained shall be construed to affect, injure or impair any rights, property or privileges which may be now vested by law and subsisting in John B. Coles, or in any person or persons claiming under him, or in the Haerlem bridge company.

Proviso.

CHAP. CXLIX.

An ACT for the Relief of Freegift Patchin.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, is authorised and required to pay to Freegift Patchin the sum of two hundred and ten dollars out of any money in the treasury not otherwise appropriated, in full of

his pay as a soldier serving in Col. Peter Zeile's regiment, the said Freegift having been taken prisoner by the enemies of the United States in the late revolutionary war, on the seventh day of April, one thousand seven hundred and eighty, and continued a prisoner in Canada to the twenty-eighth day of November, one thousand seven hundred and eighty-two, for which he has heretofore received no compensation from this state or the United States.

CHAP. CL.

An ACT for the Encouragement of American Manufactures.

Passed April 9, 1813.

WHEREAS it will be of general public advantage, and aid the several manufacturing companies incorporated in this state, as well as many private individuals engaged in domestic manufactures, if a company should be established for the purpose of disposing of articles solely of American manufacture, and to make loans thereon when deposited for sale : Therefore,

L. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thomas Storm, Isaac Marquand, Seth Capron, and all such other persons as now are or hereafter shall be associated for the purpose aforesaid, be and are hereby ordained, constituted and declared a body corporate and politic, in fact and in name, by the name and style of "The President and Directors of the Commission Company," and that they and their successors, for the term of fifteen years hereafter, shall and may have succession, and shall be persons in law capable of suing and being sued, defending and being defended, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints and causes whatsoever, and of holding and conveying real and personal estate for the use of the corporation, and that they and their successors may have a common seal and may change and alter the same at their pleasure : *Provided,* That such real and personal estate shall be necessary for the objects contemplated by this act.

II. And be it further enacted, That the capital stock of the said corporation shall not exceed six hundred thousand dollars, and that a share in the stock shall be fifty dollars, and that subscriptions to the said capital stock may be kept open at such times and places under the direction of the president and directors, until the whole number of shares shall be subscribed, and that the said stock shall be employed solely in advancing money when requested on goods and articles manufactured within this state or the United States, except salt manufactured within the same, and the sale of such goods and articles on commission : *Provided,* That no more than lawful interest shall be charged or received for any money so to be advanced, and that the usual mercantile commissions, with the usual charges, and no more, shall be charged or received on such sale, and that no commissions be charged or received except upon actual sales : *And provided also,* That it shall not be lawful for the said corporation to use or employ any part of the said capital, nor any money, funds or effects whatsoever in the purchase or sale of any goods, wares, merchandize or commodi-

Preamble.

T. Storm and others incorporated.

Their style, &c.

Stock.

ties whatever, other than and except in advances of money on American manufactures and selling the same on commission as aforesaid, nor in banking or any monied operations, nor in the purchase or sale of bills of exchange, or any stock or funds of this state or the United States, except in selling the same when truly pledged to the said corporation for a debt or debts due to the same.

Debts not to exceed three times the capital.

III. *And be it further enacted,* That the total amount of debts which the said incorporation shall at any time owe shall not exceed twice the sum of the capital stock subscribed and actually paid into the said company, and in case of such excess, the directors under whose administration it shall happen, excepting such as are absent, or not assenting, shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation on any estate real or personal which they may hold as a body corporate from also being liable for and chargeable with such excess.

Affairs how managed.

IV. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by nine directors, being stockholders and citizens of this state, which directors shall hold their offices for one year from the first Tuesday of December in every year, and shall be elected on the first Tuesday of November in every year, at such time and place in the state, as a majority of the directors for the time being shall appoint : and public notice shall be given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in one or more of the public newspapers printed in the city of New-York, Albany and Utica, respectively, one of which shall be the printer to the state ; and the said election shall be made by such of the stockholders of the said corporation as shall attend for that purpose either in person or by proxy, and all the elections shall be by ballot, and the nine persons who shall have the greatest number of votes shall be directors ; and if it should happen at any election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a major part of them, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number ; and the directors elected as soon as may be after the time at which they are to enter upon the duties of their offices, shall proceed in like manner to elect by ballot one of their number to be their president : and if any director shall move out of the state, or cease to be a stockholder, his office shall be considered as vacant ; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders ; and the first directors shall be Thomas Storm, Isaac Marquand, Seth Capron, George Fitch, Noyes Darling, John King, junior, David I. Greene, Thaddeus B. Wakeman, and James Bailey, and the first president shall be Thomas Storm,

First directors.

who shall hold their respective offices until the first Tuesday of November next, or until others thereafter shall be duly elected.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation, for that cause, or from any non-user, shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall be provided by the laws and ordinances of said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear proper and needful, touching the government of said corporation, the management and disposition of the stock, business, property, estate and effects of the said corporation, the duties and conduct of the officers, agents, clerks, and servants employed therein, the election of directors, and all such other matters as may appertain to the concerns of the institution, and shall also have power to appoint so many officers, agents, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet : *Provided*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

By-laws may be made.

VII. *And be it further enacted*, That no transfer of stock of the said company shall be valid and effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors.

Transfers how to be made.

VIII. *And be it further enacted*, That it shall be lawful for the directors to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon, to the said corporation ; always, however, giving at least thirty days previous notice of such call and demand, in the same way, and in as public a manner as is required for the election of directors by this act ; and each stockholder shall be entitled to one vote on each share which he shall have held in his own name at least fourteen days prior to the time of voting : *Provided always*, That the capital stock of said company shall be placed in the city of New-York, and that the business and transactions of the said company shall be limited to the city of New-York.

Monies subscribed may be demanded.

IX. *And be it further enacted*, That it shall be the duty of the directors to make yearly, or in their discretion, half yearly dividends of so much of the profits of said corporation as to them, or a majority of them, shall seem advisable ; and that every officer, agent or clerk, before he enters upon the duties of his office, shall give such security for the faithful discharge thereof as the directors shall require.

Dividends.

X. *And be it further enacted*, That the directors shall annually on the first Tuesday of December, lay before the stockholders a general statement of their accounts and proceedings, which statement they shall cause to be lodged with their chief officer or agent at least ten days previous to the annual election of directors, for the inspection and examination of the said corporation.

Accounts to be rendered annually.

This a public
act.

XI. *And be it further enacted,* That this act be, and it is hereby declared to be a public act, and that it shall for the time herein before limited, be construed in all courts and places, benignly and favorably, for every beneficial purpose therein contained: *Provided,* That it shall be lawful for the legislature at any time after five years from the time of passing this act, to amend or alter the same.

CHAP. CLI.

An ACT to amend the act entitled "an act for the opening a Road between the city of Albany, and the river St. Lawrence."

Passed April 9, 1813.

WHEREAS the legislature at their last session, by the act entitled "an act for the opening a road between the city of Albany and the river St. Lawrence," did authorise and direct the commissioners of the land-office to sell or dispose of certain lands in Totten and Crossfield's purchase, for the purpose of opening and making a great and more direct road leading from the city of Albany to some place near the foot of sloop navigation on the river St. Lawrence, at such price as they might consider the same to be worth, and payable at such times as might be deemed by them proper for accomplishing the object thereby intended: And whereas it appears from a report of the commissioners appointed under the act hereby amended, that a good and sufficient road may be made much nearer than any heretofore laid out and made, and that they require more efficient means to carry the objects contemplated by the above recited act into effect: And whereas the state owns a large tract of land through which the said road will pass, the value of which will be greatly enhanced by said road: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, be and he is hereby authorised and required to pay fifty cents for every acre appropriated by the act aforesaid on the part of this state to the making of the said road, which sum shall be paid in the manner directed in and by the said act, in lieu of the lands belonging to the people of this state, which the commissioners of the land office are directed by the said act to sell for that purpose, and that the said commissioners shall at any time after the said road shall be completed, sell so much of the said lands belonging to the people of this state adjoining the said road as shall amount to the whole sum paid out of the treasury in pursuance of this act, together with an interest of six per cent thereon.

CHAP. CLII.

An ACT to authorise the Supervisors of the county of Orange to raise Money by Tax for the erection of a fire-proof Clerk's Office in the county of Orange.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the supervisors of the county of Orange, at their annual meeting on the first Tues-

day in October next, may levy and raise by tax on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, over and above the ordinary expenses of collecting the same, which amount may be drawn from the treasury of the said county upon the order of William Thompson, George D. Wickham, and David M. Westcott, who shall be and hereby are appointed commissioners for superintending and building the said office, of such size and dimensions as to them shall seem proper, within forty rods of the court house at Goshen; and the said commissioners shall account to the supervisors of the said county for all disbursements and expenditures arising to them, in erecting the said fire-proof clerk's office.

II. *And be it further enacted*, That the supervisors of the said county shall meet at the court house in Goshen on the last Tuesday of May next, for the purpose of taking into consideration the propriety of raising the sum of money aforesaid for the purpose aforesaid, any thing in this act to the contrary notwithstanding.

CHAP. CLIII.

An ACT to amend the act entitled "an act to incorporate the Stockholders of the Bank of Troy, and for other purposes."

Passed April 9, 1813.

WHEREAS the president and directors of the bank of Troy have by their petition represented, that in consequence of the incorporation of a new bank in the village of Lansingburgh, it may hereafter be rendered expedient to select persons without that village to supply the places of the five directors of the bank of Troy which are now by law directed to be elected and appointed in that village: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the five directors of the bank of Troy directed by the act of incorporation to be elected and appointed from stockholders residing in the village of Lansingburgh, may (whenever any vacancy or vacancies shall happen) be elected and appointed in the manner prescribed by said act, from the stockholders residing in any part of the counties of Rensselaer and Saratoga, any thing in the said charter to the contrary notwithstanding.

Certain directors of the bank of Troy how to be elected.

II. *And be it further enacted*, That all the directors of the Farmer's bank hereafter to be elected or appointed may be residents of the village of Troy, or any other place, any thing in any former law to the contrary thereof notwithstanding.

Farmer's bank.

And whereas the president and directors of the Middle district bank have presented their petition, praying amendments to their act of incorporation, which appear reasonable: Therefore,

III. *Be it further enacted*, That the limitation of stock created by these words, to wit, "and that no individual shall hold at any one time more than four hundred shares of the said stock," as expressed in the first section of the act entitled "an act to incorporate the stockholders of the Middle district bank," be and the same is hereby repealed.

Middle district bank.

IV. *And be it further enacted*, That so much of the second section of said act as limits the number of votes of stockholders who shall hold more than ten shares, be and is hereby repealed, and that so much of the said second section as requires the president of said bank to be resident in the village of Poughkeepsie, be and is hereby repealed.

CHAP. CLIV.

An ACT supplementary to an act for improving a Road from Genesee River to Buffalo, passed June 19, 1812.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the treasurer of this state shall, on the warrant of the comptroller, pay to James W. Stevens, Frederick Miller and Joseph Landon, commissioners appointed by the said act to superintend the improving of the road leading from the bridge over the Genesee river, in the town of Avon, in the county of Genesee, and from thence to the court house in Buffalo, in the county of Niagara, the sum of three thousand one hundred dollars, out of any monies now in the treasury, or which may hereafter come into the treasury, from sales of lands belonging to this state, on the Niagara river, to be applied by the said commissioners to the improvement of the said road.

II. *And be it further enacted*, That the said commissioners, before they receive the said monies, shall execute and deliver to the comptroller of this state, a similar bond to that which is required by the act to which this is supplementary.

CHAP. CLV.

An ACT relative to holding the Courts in the county of St. Lawrence.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful during the present war, for the judges of the court of common pleas for the county of St. Lawrence, to hold the court of common pleas and general sessions of the peace at such place within said county as they, or a majority of them, shall think proper, and that the justices of the supreme court shall also during the present war, designate such place within said county of St. Lawrence, for the holding the circuit court, and court of oyer and terminer for said county; and that the sheriff of the said county of St. Lawrence be, and is hereby directed, to give public notice in each town in said county of the place where said court is to be held, (when removed from the court house) when thereunto required by said judges, at least twenty days previous to the time of holding said court, any law to the contrary notwithstanding.

CHAP. CLVI.

An ACT to alter the Times of holding the Courts of Common Pleas and General Sessions of the Peace, in the counties of Delaware and Greene.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That after the second Tuesday of June next, courts of common pleas and general sessions of the peace in the county of Delaware, shall be held at the court house in said county, on the last Mondays in November and February, and a court of common pleas, on the last Mondays in May and August, in every year, instead of the times now appointed by law.

Times of holding courts in Delaware county altered.

II. *And be it further enacted,* That the courts of general sessions of the peace in and for the county of Greene, instead of being held on the first Mondays in January and September, shall hereafter be held on the last Tuesday in May, and last Tuesday in January in every year; and that the courts of common pleas, instead of being held on the first Mondays in January and September, and last Monday in May, shall hereafter be held on the last Tuesdays in January and May and first Tuesday in September, in every year; and further, that the said courts shall continue open in each of said terms, from day to day, until and including Saturday, in the said terms respectively, if the business of the said courts, or either of them, require it.

Also in Greene county.

III. *And be it further enacted,* That all writs, process, notices and recognizances, made returnable at the respective terms of the said courts of common pleas, and general sessions of the peace, in and for the county of Greene so as heretofore held by law, shall be, and hereby are made returnable at the terms of the said courts respectively altered by this act, and that all adjournments, appearances, continuances, and notices of any proceedings in said courts respectively, shall be held and taken to be made to and at the said terms of the said courts respectively, so as aforesaid altered by this act.

CHAP. CLVII.

An ACT to incorporate the Great Island Turnpike Company.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Reuben Hopkins, Gideon Jennings, Daniel Millsbaugh, Archibald Owen and Nathaniel Wheeler, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin on the road leading from Goshen court house to Florida, at or near the place where the south line of the Goshen town lots cross the same, from thence across the little and great islands, and from thence to the line of the state of New-Jersey, to intersect the same between the thirty-four and thirty-eight mile stone, observing the most direct and eligible route that the nature of the ground will allow, shall be and they are hereby created a body corporate and politic, by the name of "The Great Island Turnpike Company,"

Turnpike where to commence.

style.

and they are hereby constituted and declared a body politic, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and also may make and use a common seal, and may alter the same at pleasure, and also that they are hereby made capable in law of purchasing and conveying any estate, real or personal to the amount of ten thousand dollars.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall not consist of more than six hundred shares of twenty-five dollars each, and that Thomas Thorn, Gideon Jennings, Jesse Oldfield, Daniel Millsbaugh, and James W. Carpenter are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Toll.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, the following rates of toll, to wit: for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents, and three cents for each additional horse; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and an half cents; for every waggon drawn by one horse, eight cents; for every cart drawn by two oxen, twelve and an half cents, and for every additional ox or horse, three cents; for every cart drawn by one horse, six cents; for every horse and rider, or horse driven or led, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse or mule, six cents; for every score of horses, cattle or mules, twenty-five cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for any greater or less number.

Commute-
tion.

IV. *And be it further enacted*, That the directors of the said company, shall, on application being made to them, commute by the year with any person or persons who live within one mile of said road, for passing any of the gates to be erected on the same, or with any person who owns lands on the little or great islands aforesaid, or in the cedar swamp, who make the little island their landing, although they live more than one mile from the said turnpike road.

Powers.

V. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restric-

sions and regulations, contained in said act, that are not altered or changed in this act : *Provided however*, That the said company hereby incorporated shall be at liberty to make the chord of the arch of the said road not more than twenty-two, nor less than twenty feet.

VI. *And be it further enacted*, That it shall be lawful for the stockholders of the said company, to elect seven directors, four of whom shall be a quorum to transact the business of the said company, any law to the contrary notwithstanding.

CHAP. CLVIII.

An ACT for the Relief of Matthias Huffman and others.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act for the relief of Matthias Huffman and others, passed June nineteenth, one thousand eight hundred and twelve, be and the same is hereby repealed ; and that the treasurer, on the warrant of the comptroller, shall forthwith pay to the said Matthias Huffman, and his associates in the said act named, such sums of money as they have paid into the said treasury in pursuance of the said act.

CHAP. CLIX.

An ACT for the Relief of Frederick Brim.

Passed April 9, 1813.

WHEREAS Frederick Brim, of the town of Cazenovia, in the county of Madison, by his deed of warranty bearing date the seventh day of January, in the year of our Lord one thousand eight hundred and twelve, did release and convey unto Solomon Merrick and Joel Mann, of the place aforesaid, his farm, being part of lots number fifty-two and forty-nine, in the town of Cazenovia aforesaid, containing one hundred and forty-nine acres of land, for the sole consideration of the said Solomon Merrick and Joel Mann becoming indorsers of a promissory note made by the said Frederick Brim for the sum of two hundred and fifty dollars to the Manhattan company at Utica, for the benefit of the said Frederick Brim, for the sum of one hundred and fifty dollars only, and before the same became due, was paid and taken up by the said Frederick Brim : And whereas after the payment and discharge of the aforesaid promissory note, and before the said Frederick Brim could procure a conveyance of his said farm, the said Joel Mann sickened and died, leaving a widow and two infant children his heirs at law, in whom the fee simple of the aforesaid is : And whereas it is represented that the said Solomon Merrick and the widow of the said Joel Mann, are willing to reconvey the aforesaid premises to the said Frederick Brim : Now therefore, for the purpose of enabling the said Frederick to obtain title to the aforesaid farm of land without incurring the delay and expense of an application to the court of chancery under the existing laws,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Solomon Merrick and the widow of Joel Mann, late of Cazenovia, in the county of Madison, under the direction of the chancellor of this state, and upon such terms and conditions as he shall adjudge equitable, to convey by a good and sufficient deed of conveyance, that certain farm or piece of land situate in Cazenovia aforesaid, being parts of lots number forty-nine and fifty-two, containing one hundred and forty-nine acres of land, which is particularly described on a certain deed of indenture bearing date the seventh day of January, in the year of our Lord one thousand eight hundred and twelve, executed by Frederick Brim to Joel Mann and Solomon Merrick, which said deed of conveyance, when executed as aforesaid, shall be valid in the law, and shall vest the title of the premises therein to be described in the said Frederick Brim.

CHAP. CLX.

An ACT for the Relief of Grace Stanley, and her Infant Children.

Passed April 9, 1813.

WHEREAS Grace Stanley, of the town of Franklin, in the county of Delaware, widow and relict of John Stanley, junior, deceased, hath represented to the legislature, that her late husband died seised, as tenant in common with Solomon Willis, of one undivided half or moiety of a certain piece or lot of land situate, lying and being in the said town of Franklin, containing one hundred and thirty-three acres, his moiety thereof being of the value of six hundred and sixty-five dollars; that Sopronia and Maria Stanley are the infant children and heirs at law of the said John Stanley, junior, deceased; and that the said land is diminishing in value on account of its peculiar local situation: And whereas the said Grace Stanley, hath by her petition represented, that she is anxious to promote the interest of the infant heirs, which object can best be accomplished by a speedy sale of the said land: Therefore,

*I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Grace Stanley, of Franklin, in the county of Delaware, widow of John Stanley, junior, deceased, who is hereby appointed trustee for that purpose, to sell the real estate whereof the said John Stanley, junior, died seised, consisting of one undivided half or moiety of a certain piece or lot of land in the town of Franklin in the county of Delaware, containing one hundred and thirty-three acres, either at public or private sale, on the best terms she can, and to make and execute a good and sufficient deed of conveyance for the same to the purchaser or purchasers thereof, and to his, her or their heirs and assigns for ever, free from any claim of dower or other demand of the said Grace Stanley or her said infant children: *Provided however,* That before any conveyance shall be executed for the said land the said Grace Stanley shall give such security, as the chancellor of this state shall direct, for the faithful application and distribution of the proceeds, the evidence of which se-*

curity when executed and acknowledged or proved before the said chancellor, or other person duly authorised to take the acknowledgment of deeds, shall be filed in the office of the judge of probates of this state as of record, and an office copy thereof shall be deemed legal evidence of its contents in all courts of justice within this state.

II. *And be it further enacted*, That the said Grace Stanley shall be allowed to retain one equal third part of the interest or income arising or that may arise from the consideration money of such sale or sales for and during her natural life, in lieu of her dower; but the whole of the principal and the other two equal thirds of the interest shall be and remain the property of the said infant children of the said Grace Stanley; and the said Grace Stanley, as trustee for her said infant children, shall loan the consideration money aforesaid at lawful interest, on good and sufficient landed security, for the benefit of her said infant children to be divided equally between the said children when they shall both have arrived to lawful age.

CHAP. CLXI.

An ACT to divide the Town of Chautauque, in the county of Chautauque, into two towns.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That after the passing of this act all that part of the town of Chautauque, beginning at the northwest corner of township number three, in the fifteenth range of the land belonging to the Holland company, thence south on the line of the state of Pennsylvania to the southwest of township number three, in the fifteenth range aforesaid, thence east between the second and third tier of townships, eight miles and one quarter of a mile, to a post, thence north between lots number thirty-three, forty-one, thirty-four, forty-two, thirty five and forty-three, to the place where the said line intersects the Chautauque creek, thence down the centre of said creek to a point, thence by a line to be drawn from said point to the southeast corner of township number five in the thirteenth range, crossing the bridge road at the five mile post in said road, thence north bounding on said township number five, in the thirteenth range, to the boundary line of this state, thence southwesterly along said boundary line till it comes to a place opposite the place of beginning, thence to the place of beginning, shall be and hereby is erected into a town by the name of Portland; and the first town meeting in said town of Portland shall be held at the house of Jonathan Cass; and that all the remaining part of the said town of Chautauque shall be and remain a separate town by the name of Chautauque, and that the first town meeting in the said town of Chautauque shall be held at the house where the courts are held in the village of Mayville.

Town of
Portland
erected.

II. *And be it further enacted*, That as soon as may be after the first town meeting held in the towns of Chautauque and Portland, the supervisors and overseers of the poor of the said

Poor and poor
money to be
divided.

towns, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and apportion the poor belonging to the town of Chautauque previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

CHAP. CLXII.

An ACT to incorporate the Dutchess Union Turnpike Company.

Passed April 9, 1813.

T. Wing and
others incor-
porated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That* Thurston Wing, Pelatiah Ward, Elisha Hoag, Adam Crous, James Skidmore, Nicholas Baker and Samuel Slee, and all such other persons as shall associate with them for the purpose of making a good and sufficient turnpike road, to commence at the line dividing the states of Connecticut and New-York, at the termination of a turnpike in said state of Connecticut, near Bull's bridge, in the town of Kent, and running from thence to or near to the house of Brice Shove, in the town of Dover, thence to continue the nearest and best route to or near the house of Jackson Wing, in said Dover, thence the nearest and best route to or near the house of Caleb Simpson, in the town of Beekman, thence the nearest and best route to or near the house of Adam Crous, in said town of Beekman, thence the nearest and best route to or as near the house of Thomas Potter, as the situation of the ground will admit, so as to promote the interest of the public and the corporation, shall be, and hereby are created a body corporate and politic, in fact and in name, by the name of the "President, Directors and Company of the Dutchess Union Turnpike," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of every kind whatsoever: *Provided*, such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said incorporation, and for no other purpose whatsoever.

Their style,
&c.

Proviso.

Stock.

II. *And be it further enacted, That* the stock of the said company hereby incorporated, shall consist of one thousand shares of twenty dollars each, and that Samuel Slee, Benjamin Arnold, Nicholas Baker, Adam Crous, Elisha Hoag, Jonah Raymond, and Thurston Wing, shall be, and are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Rates of toll.

III. *And be it further enacted, That* the said company hereby incorporated, shall be entitled to erect and keep up on said road, one turnpike gate, at which they shall be entitled to exact and receive, from all persons travelling and using said road, the following rates of toll: for every score of sheep or hogs, twelve and an half cents; for every score of cattle, horses or mules, in droves, thirty cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every

sulkey, chair or chaise, with one horse, nineteen cents ; for every additional horse, six cents ; for every cart or waggon, drawn by one horse, ten cents ; for every chariot, coach, coachee or phaeton, drawn by two horses, forty cents ; for every additional horse, six cents ; for every stage, waggon, or other four wheeled carriage, drawn by two horses, mules or oxen, nineteen cents ; and for every additional horse or ox, six cents ; for every cart, drawn by two oxen or horses, nineteen cents ; and for every additional horse or ox, six cents ; for every sleigh or sled, drawn by two horses or oxen, ten cents, and for every additional horse or ox, five cents ; for every sleigh, drawn by one horse, six cents.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act : *Provided nevertheless*, That the wages of compensation of the commissioners for laying out said road, shall be two dollars per day, and no more, any thing in any former act to the contrary notwithstanding.

CHAP. CLXIII.

An ACT for the Relief of the Creditors of Peter Du Bois, deceased.

Passed April 9, 1813.

WHEREAS Peter Du Bois, and Catharine his wife, by deed bearing date the twentieth day of December, in the year of our Lord one thousand seven hundred and seventy, did grant and convey unto Henry White, Jacob Walton, James Duane, and Samuel Ver Plank, and to the survivor of them, in trust for the payment of the debts of the said Peter Du Bois, a great portion of his real estate, situate within this state : And whereas a part of the real estate so conveyed in trust, and also some not so conveyed, are still unsold, and considerable sums still remain due to the creditors of the said Peter Du Bois, and the said Samuel Ver Plank, the only surviving trustee, refuses to interfere with the estate in the sale or disposition thereof : And whereas John A. Schuyler, one of the creditors of the said Peter Du Bois, hath presented his petition to the legislature, praying that he may be authorised to sell the residue of the real estate of the said Peter Du Bois, at present remaining unsold, and that the proceeds be applied to the payment of the debts of the said Peter Du Bois : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for John A. Schuyler to grant, bargain, sell and convey all the real estate of the said Peter Du Bois at present remaining unsold, and on such sale to make and execute to the purchaser or purchasers, good, ample and sufficient deeds or conveyances for granting, selling and conveying the same : *Provided always*, That before any such sale shall be made, the said John A.

Schuyler shall file a bond in the office of one of the registers in the court of chancery of this state, with one or more sureties to be approved by the chancellor of this state, conditioned that the said John A. Schuyler shall well and truly account for and pay into the said court of chancery all and every such sum or sums of money, as he shall receive on the sale of all or any part of the said estate, and shall also produce to the said chancellor a release executed by the said Samuel Ver Plank, of all his right as trustee as aforesaid, in and to the estate of the said Peter Du Bois, or shall prove to the satisfaction of the said chancellor that the said Samuel Ver Plank has refused or shall refuse to interfere with, sell or convey such estate, and the said chancellor shall within one year after the receipt of such sum or sums of money, cause a distribution to be made thereof in such manner as he shall deem fit and proper: *And provided further,* That if there shall be any surplus money remaining over and above the payment of all the debts of the said Peter Du Bois, such surplus shall be paid by order of the said chancellor in the treasury of this state for the benefit of the state: *Provided always,* That nothing in this act shall be construed to authorise the said John A. Schuyler to interfere with or contest the rights of any persons whatsoever claiming lands under sales made by the original trustees, or a major part of them.

CHAP. CLXIV.

An ACT to amend the act entitled "an act to incorporate the Mountain Turnpike Company."

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president and directors of the Mountain turnpike company, in the county of Schoharie, have liberty to erect their toll gate (which by the act hereby amended was to be placed on the bridge across the Schoharie creek) or near said bridge, any thing in the act to be hereby amended to the contrary notwithstanding.

CHAP. CLXV.

An ACT for the Relief of the Heirs and Representatives of John Osterman, deceased.

Passed April 9, 1813.

WHEREAS the widow and heirs of John Osterman, deceased, have presented their petition to the legislature, setting forth that the said John Osterman, deceased, died intestate, seised and in possession of certain land and real estate in the town of Flushing, in the county of Queens, in this state, and praying that a law may be passed authorising and directing a sale of the said land and real estate, and the proceeds thereof to be disposed of, appropriated and paid unto and amongst the persons interested in the said lands and real estate, according to their respective estates and interest therein: And whereas it appears from the

facts set forth in the said petition that the sales of the said premises will be beneficial to those who are interested therein : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Sarah Osterman, the widow, and David Osterman and Peter Osterman, sons of the said John Osterman, deceased, be and they are hereby appointed trustees, with full power to them or any two of them, to grant, bargain and sell the said land and real estate whereof the said John Osterman, deceased, died seised and in possession, and to execute to the purchaser or purchasers good and sufficient deeds and conveyances for the same.

II. *And be it further enacted,* That the said trustees shall cause one third part of the proceeds of the said sale, after deducting their reasonable costs and charges, to be put out at interest, on good and sufficient security, or vested and placed in and upon some good productive stock or funds of a permanent nature, and shall permit and suffer the said Sarah Osterman, the widow of the said John Osterman, deceased, to receive the interest and income thereof, and pay over such parts of the same as shall come to their hands to her during the time of her natural life, in lieu of her dower and right of dower of and in the said lands and real estate so to be sold as aforesaid, and upon her decease, the principal money to be divided and paid unto and among the heirs of the said John Osterman, deceased, or their respective guardians, executors, administrators or assigns, in such shares and portions as the said heirs are now entitled unto and interested in the said land and real estate so to be sold.

III. *And be it further enacted,* That the said trustees shall distribute, divide and pay the remaining two third parts of the money and proceeds to arise and be made by such sale, after deducting their reasonable costs and charges, unto and among the said heirs of the said John Osterman, deceased, or the respective guardians of such of them as may be in minority, according to their respective estates and interest in the said land and real estate so to be sold, the portions of the minors respectively, and the income thereof, or so much of the same, as well principal as interest, as may be necessary for that purpose, to be applied in or towards the maintenance and education of such minor or minors respectively, during minority, and the same to be accounted for, and after allowance and deduction made of the sum or sums, if any, that may be expended and disbursed for the purposes aforesaid, paid over to such minor or minors respectively, at his or her respective age or ages of twenty-one years.

IV. *And be it further enacted,* That the said trustees, before they enter upon the execution of the said trust, shall execute a bond to the people of this state, with such surety or sureties and in such sum as the chancellor of this state shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register in chancery, in the city of New-York, for the benefit and use of the said widow and heirs of the said John Osterman, deceased.

V. *And be it further enacted,* That the said widow of the said

John Osterman, deceased, before she shall be entitled to receive any part of the aforesaid interest made payable to her during life as aforesaid, shall execute to the purchaser or purchasers, their heirs and assigns, a release of her dower and right of dower, in and to the premises so sold.

VI. *And be it further enacted*, That in case the said trustees, or any or either of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor aforesaid to appoint other trustee or trustees in his, her or their place and stead, who shall in all respects conform to the directions of this act : *Provided*, That no conveyance to be made in virtue of this act shall be binding on the infant heirs of the said John Osterman unless the chancellor of this state shall certify on such conveyance that the same is beneficial to the said infant heirs.

CHAP. CLXVI.

An ACT for the Relief of Joshua Harnden and others.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to treat with the heirs or representatives of Donald Fisher, deceased, touching any claim which the said heirs may have to a tract of land granted by the crown of Great Britain to Barnaby Byrne, situate in the town of Granville, in the county of Washington, and which has since been sold by the commissioners of forfeitures for the Eastern district, and is now in the occupation of Joshua Harnden and others ; and the said commissioners of the land-office are hereby authorised and empowered in their discretion to quiet the said claim upon such terms and in such manner as to them may seem just and proper ; and in case the said commissioners of the land-office shall not deem it expedient to quiet the claim of the heirs or representatives of the said Donald Fisher to the said tract of land, then it shall be lawful for the said commissioners, and they are hereby required to report to the legislature at their next session, the amount of money which in their opinion ought to be paid by the people of this state to the respective occupants of the said tract of land, in case the heirs or representatives of the said Donald Fisher have valid title to the same, and in the mean time to take such measures in relation to the further defence of the title and possession of the said occupants as they shall judge necessary and proper.

II. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay all such sum or sums of money out of any monies in the treasury not otherwise appropriated as shall be certified and allowed by the said commissioners in pursuance of this act.

CHAP. CLXVII.

An ACT for the Relief of John Bogart.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That James Le Grange is hereby appointed one of the commissioners instead of John Bogart, for improving the navigation of the Hudson river from the city of Albany to the overslaugh at Coeymans ; and that so soon as Hugh Boyd, Gilbert Stewart and James Le Grange shall execute a bond to the people of this state, in the penalty of twenty thousand dollars, conditioned for the faithful expenditure of ten thousand dollars heretofore advanced by the treasurer of this state, in pursuance of the act entitled "an act for the further improvement of the navigation of the Hudson river between the village of Troy and Coeymans overslaugh," it shall be lawful for the comptroller to cancel the bond heretofore executed by Hugh Boyd, Gilbert Stewart, and John Bogart in pursuance of the said act.

James Le Grange appointed a commissioner for improving the navigation of the river Hudson,

John Bogart's bond to be cancelled.

CHAP. CLXVIII.

An ACT to incorporate the Broome County Manufacturing Company.

Passed April 9, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Joshua Whitney, Tracy Robinson, Marshal Lewis, Mason Whiting, Christopher Eldridge, James McKenney, and all such other persons as shall associate for the purpose of establishing a manufactory of cotton and wool in the town of Chenango, in the county of Broome, shall be and they are hereby created and made a body politic and corporate, in fact and in name, by the name of "The Broome County Manufacturing Company," and by that name they and their successors, for the term of twenty years, shall have continual succession, and shall be persons in law capable of suing and being sued, defending and being defended in all actions and matters whatsoever, have a common seal, and change the same at pleasure ; purchase, take, hold and convey any estate, real or personal, necessary for the objects of the incorporation.

T. Whitney and others incorporated.

Their style, &c.

II. And be it further enacted, That the stock, property and concerns of the said corporation, shall be managed and conducted by five trustees, who shall be stockholders, and shall be annually elected on the first Monday in April, at such time of the day and at such place within the village of Chenango Point as the by-laws of the said corporation shall direct ; and public notice shall be given of the time and place of holding such election not less than ten days previous thereto, in such manner as the by-laws shall direct ; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy ; and all elections shall be by ballot, each share in the stock having one vote, and the five persons having the greatest number of votes shall be the trustees ; and whenever any vacancy shall happen among the trustees by death, resignation, or removal out of the state, such vacancy shall be fill-

Concerns how to be managed.

Elections.

ed for the remainder of the year by the remainder of the board for the time being.

Proviso.

III. *And be it further enacted,* That in case it should at any time happen that an election of trustees should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Stock.

IV. *And be it further enacted,* That the stock of the said company, shall consist of two thousand shares of fifty dollars each ; and it shall be lawful for the said trustees to call and demand from the stockholders respectively all such sums of money by them subscribed at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to be made, and thirty days previous notice of such call and demand shall have been given to such stockholder, or published in any newspaper printed in the said county of Broome.

By-laws may be made.

V. *And be it further enacted,* That the trustees for the time being shall have power to make and prescribe such by-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers, artificers and servants by them employed, the election of trustees, and all such matters as appertain to the concerns of the said corporation, to appoint such and so many officers, clerks and servants for carrying on the business of the said corporation, and with such allowances as to them shall seem meet : *Provided,* That such by-laws be not inconsistent with the constitution or laws of this state or of the United States.

Proviso.

A dam may be built across the Susquehannah river.

VI. *And be it further enacted,* That it shall and may be lawful for the said Joshua Whitney, Tracy Robinson, Marshal Lewis, Mason Whiting, Christopher Eldridge, James M'Kenney, or so many of them as shall associate for the purpose, to erect and maintain a dam across the Susquehannah river, near the Chenango point, in the said town of Chenango, not exceeding four feet in height above low water mark : *Provided however,* there shall be left in said dam a place sixty feet in width which shall be one foot and an half lower than the other parts of the said dam, with an apron of an even ascent from the bottom of the river to the top of said lowest part of said dam not less than seventy feet in length to admit the passage of rafts and boats down and fish up the said river, each side of which apron shall be secured with timber or strong plank two feet above the same, in such manner as to prevent boats and rafts running off the sides of said apron in passing over the same :

Proviso.

And provided further, That the said persons so as aforesaid authorised to build such dam shall make compensation to Theodore Burr for any and all such private damages as he may sustain by an apron of such dam being an injury to his mill already erected, the amount of such damages to be ascertained, in case the parties interested cannot agree therein, by three disinterested commissioners to be appointed for that purpose on the ap-

plication of either party, by the person administering the government of this state: *And provided further*, That the dam to be erected by the said company shall be erected above and not less than fifty rods from the mouth of the Chenango river.

CHAP. CLXIX.

An ACT to authorise Alterations to be made in the Road from the Little Falls to Oppenheim, and for another purpose.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Jacob Markell, Andrew A. Finck and Ezekiel Belding, or any two of them, are hereby appointed commissioners to make such alterations in the road heretofore laid out by virtue of the act entitled "an act to appoint commissioners to lay out a certain road therein mentioned," passed the ninth day of April 1811, as they shall deem the public good requires, and they shall cause an accurate map and survey to be made of such alterations, and filed in the office of the clerk of the town in which any such alteration shall be made, and the provisions contained in the third section of the act above mentioned shall extend and apply to any lands on which any such alterations shall be made.

Commissioners to alter the route of the road.

II. *And be it further enacted*, That the ninth section of the act entitled "an act for settling disputes and controversies between the persons claiming certain lands in the town of Kinderhook under a patent granted to Hendrix De Bruyn and the possessors thereof," passed the 8th June, 1812, be and the same is hereby amended so as to extend the time for the determinations to be made by virtue of that act to two years from the passing thereof.

Time extended for settling disputes in Hendrix De Bruyn's patent.

CHAP. CLXX.

An ACT to incorporate the New-Paltz and Platte-Kill Turnpike Company.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Josiah Hasbrouck, Abraham I. Hardenbergh, David Downe, William P. Lott, Daniel Birdsall, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road to begin at or near the dwelling house of Samuel Budd, in the town of New-Paltz, in the county of Ulster, from thence to run southwardly along or near the road leading to Platte-Kill as convenient to or near the dwelling house of Josiah Hasbrouck, in the said town of New-Paltz, thence to intersect the Newburgh and Sullivan turnpike road, between the houses of John Crowell and Thomas Rodman, in the town of Newburgh, in the county of Orange, so as to promote the interest of the public and this corporation, and their successors, be and they are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the New-Paltz and Platte-Kill Turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that

J. Hasbrouck and others incorporated.

Their style, &c.

name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of five hundred shares of twenty-five dollars each, and that David Downe, Josiah Hasbrouck, Stephen Nottingham, Daniel Birdsall and Henry Parish, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed the 13th day of March, in the year of our Lord 1807.

Rates of toll.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road for every number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same; for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon; for every cart or other carriage drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox attached to such cart or other carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every cart drawn by one horse or mule, six cents; for every chair, sulkey, chaise, or other pleasure carriage with one horse, twelve and an half cents; for every chariot, coach, coachee or phaeton, or other four wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such stage-waggon.

Privileges.

IV. *And be it further enacted*, That the number of directors hereby incorporated shall be five, three of whom shall be a quorum, and capable of managing the business and concerns of the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act passed the thirteenth of March, in the year one thousand eight hundred and seven: *Provided however*, That the chord of the arch of the road hereby authorised to be made shall not be less than twenty-two feet.

CHAP. CLXXI.

An ACT establishing and regulating a Ferry across the Outlet of the Oneida Lake.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Jonathan Emmons, of the town of Cicero, in the county of Onondaga, his heirs and assigns, to set up and maintain a ferry across the outlet of the Oneida lake for and during the term of ten years from the first day of May next.

J. Emmons may set up and keep a ferry.

II. *And be it further enacted,* That the said Jonathan Emmons, his heirs and assigns, shall if they set up a ferry by virtue of this act, erect a convenient dock or landing place, on such part of the land of the said Jonathan Emmons, on the south side of the said outlet, as shall be most suitable for that purpose, and shall during the term aforesaid keep and maintain a good and sufficient ferry boat, capable of conveying four horses, and ready at all reasonable times and seasons to ferry and transport across said outlet, persons, goods and chattels.

He shall erect a landing place.

III. *And be it further enacted,* That if any person or persons shall, after the first day of May next, set up, keep or maintain a ferry, or shall carry or transport any persons, goods or chattels for pay across the said outlet, within two miles of the ferry established by virtue of this act, other than the said Jonathan Emmons, his heirs or assigns, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court having cognizance thereof by any person who shall sue for the same: *Provided always,* That nothing herein before contained shall be construed to preclude any person or persons inhabiting on said outlet, within the limits aforesaid, from the right of transporting themselves and their goods and chattels across the said outlet in their own boats.

Others prohibited from setting up a ferry.

IV. *And be it further enacted,* That the court of common pleas for the county of Onondaga, in their sessions, may and shall annually order and direct the several rates of toll to be taken at said ferry; and if the said Jonathan Emmons, or any person employed by him, his heirs or assigns, shall receive any greater toll than shall be allowed as aforesaid, he shall forfeit and pay five dollars, to be recovered by any person who will sue therefor; and in case the said Jonathan Emmons, his heirs and assigns, shall at any time after six months from the time of passing this act, neglect to keep such ferry as is contemplated by this act, at all seasonable hours of the day, it shall be lawful for the said court to adjudge that all the rights granted to him under this act shall cease and be of no effect.

Rates of toll how to be fixed.

CHAP. CLXXII.

An ACT for the Relief of the Representatives of Stephen Hall, deceased.

Passed April 9, 1813.

WHEREAS Isaiah Olcott, Mabel Olcott, and Chancey Jerome, administrators of the estate of Stephen Hall, deceased,

the said Mabel, the late widow of the said Stephen, and mother of Hiram Hall, Fidelia Hall, Mary Hall, and Stephen Hall, the infant heirs of the said Stephen, have presented their petition to the legislature praying to be enabled to sell the real estate whereof the said Stephen Hall died seised in this state: And whereas it appears from the facts set forth in said petition that the sale of the said real estate will be beneficial to those interested in the same: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Josiah Olcott, Chancey Jerome and Henry Seymour be and are hereby appointed trustees, with full power to them or any two of them to grant, bargain and sell all the real estate whereof the said Stephen Hall died seised in this state, either for cash or upon credit in part or the whole, and that they or any two of them may execute good and sufficient deeds and conveyances in the law for the same to the purchaser or purchasers thereof.

II. *And be it further enacted,* That the said trustees shall cause one third part of the proceeds of the said sales to be put out at interest on good and sufficient security, or vested in the stock of any of the banks incorporated in this state, and the said Mabel Olcott shall be entitled to receive the interest thereof during the term of her natural life, in lieu of all dower and right of dower in the said real estate, and upon her decease the principal shall be paid to Hiram Hall, Fidelia Hall, Mary Hall and Stephen Hall, the children and heirs at law of the said Stephen Hall, deceased, or to their legal representatives, in equal portions, share and share alike.

III. *And be it further enacted,* That the said trustees shall apply as much of the remaining two thirds of the said proceeds as shall be sufficient for that purpose, towards the discharge of the debts and contracts of the said Stephen Hall, and shall cause the residue thereof to be put out at interest upon good and sufficient security, or to be vested in the stock aforesaid, and shall apply the interest and income thereof towards the support and education of the said Hiram Hall, Fidelia Hall, Mary Hall and Stephen Hall, and when, and as the said Hiram, Fidelia, Mary and Stephen shall arrive at the age of twenty-one years respectively, the said trustees shall pay the said residue to the said Hiram, Fidelia, Mary and Stephen, in equal portions, share and share alike.

IV. *And be it further enacted,* That the said trustees, before they enter on the execution of said trust, shall execute a bond to the said widow and infant children, with two sufficient sureties to be approved by the chancellor of this state, in such sum as the chancellor shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register or assistant register of the court of chancery for the use of the said Mabel and infant children.

V. *And be it further enacted,* That the said Mabel and Isaiah Olcott, before she shall be entitled to receive any part of the said interest, shall execute to the purchaser or purchasers, their heirs and assigns, a release of her right of dower in and to the premises so sold, proved and acknowledged in the way and manner prescribed by law.

VI. *And be it further enacted*, That in case the said trustees, or any of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

CHAP. CLXXIII.

An ACT relative to a Road in the Township of Sterling, and elsewhere.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Isaac Smith, of Aurelius, William Lyon, of Cato, and Augustus F. Ferris, of Cato, be and are hereby appointed commissioners for the purpose of opening and improving the road from lot number sixteen, in the township of Aurelius, to the Seneca river, and for building a bridge over said river to lot number thirty-seven, in the former township of Brutus, now Cato, and from the said bridge to open and improve the road through the line of Sterling to Wolcott, and also from said bridge to Fryzine's mills, on lot number four, in the township of Cato.

II. *And be it further enacted*, That the surveyor-general be and he is hereby directed to sell and dispose of, in such manner as the commissioners of the land-office may direct, lots number thirty-two and number sixty-two, now unappropriated, in the township of Sterling, and to pay such sum or sums of money as they shall produce, to the commissioners aforesaid for the purposes aforesaid: *Provided however*, That previous to paying said money said commissioners shall give to the comptroller of this state sufficient security that they will faithfully expend and account for said money, and the certificate of the comptroller shall be considered by the said surveyor-general as proof that the said commissioners have complied in giving the said security.

III. *And be it further enacted*, That each of the said commissioners appointed by this act shall be entitled to two dollars per day for each day they may be respectively employed in the discharge of the duties imposed on them by this act, to be paid out of the money hereby appropriated.

CHAP. CLXXIV.

An ACT further to suspend the Collection of the Assessments therein mentioned.

Passed April 9, 1813.

WHEREAS the commissioners appointed by and in conformity to the act entitled "an act for the appointment of commissioners to ascertain the best method of conveying off the waters from the Collect and Lisperard's meadow, in the city of New-York," passed June 19, 1812, have made a return and report to the legislature at the present session, of their determi-

nation in the premises referred to them, according to the directions of the said act, thereby amongst other things recommending as the best method of conveying off the said waters, that Canal-street in the said act mentioned should be continued in its present direction, from the North or Hudson river to Broadway, and that a tunnel or covered sewer of the form and dimensions specified in the said report should be laid along the center of the said street, but that the remaining part of the said street should be varied in the manner suggested by them the said commissioners in their said report: And whereas the mayor, aldermen and commonalty of the city of New-York have presented their memorial to the legislature, objecting for the reasons by them there set forth to the plan proposed by the said commissioners, and soliciting the legislature not to sanction or approve the same: And whereas the consideration of the said plan has been postponed until the next session of the legislature: And whereas a petition has been presented to the legislature on behalf of the owners and occupants of houses and lots of ground included in an assessment made under and in conformity to an act entitled "an act respecting streets in the city of New-York," passed March 24, 1809, of the expenses incurred in laying out and opening Canal-street aforesaid among the owners and occupants of houses, lots and lands intended to be benefited thereby, representing themselves as aggrieved by the said assessment, and praying that the collection thereof may be suspended, either until some more equal and correct rule can be adopted for raising the money required for the reimbursement of the said expenses, or at least until some plan for regulating the ground in question shall be adopted, or such other relief can be granted in the premises as to the legislature may seem proper: And whereas it appears reasonable to the legislature that the collection of the said assessment should be suspended until the decision of the legislature can be had in the premises: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all further collections of the said assessments, or of any sum or sums of money assessed upon any houses, lots or land, or the owner or occupants of any houses, lots or lands deemed to be benefited by the said street for the expenses of laying out or opening the same, except only such as may be assessed upon houses and lots fronting on the said street called Canal-street, shall be and hereby are suspended until the end of the next session of the legislature: *Provided,* That nothing in this act contained shall be construed to impeach or impair any cause of action or claim of the mayor, aldermen and commonalty of the city of New-York, or any lien upon any grounds or premises for the payment of the said assessments and sums of money, with interest for the same, as allowed by the herein first above mentioned act, but only to suspend and postpone the collection, recovery or demand thereof, until the end of the next session of the legislature as aforesaid.

CHAP. CLXXV.

An ACT for the Relief of Alexander Crofts and others:

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Alexander Crofts, Christian Petrie, Isaac D. Fonda and Philip P. Feller, of the town of Livingston, in the county of Columbia, to clear a fishing ground on the east side of the channel in Hudson river, beginning at the south side of Roeliff Jansen's kill or creek where it empties into said river, extending thence southerly in and along said river to the fishing ground now occupied by John Nicholas Rouse and Jacob Sheffer, in Clermont, and extending into the channel of said river so far as shall be necessary for a fishing ground, and that they the said Alexander Crofts, Christian Petrie, Isaac D. Fonda and Philip P. Feller, their respective heirs and assigns, shall have, hold and enjoy the exclusive right and privilege of fishing in the waters and upon the ground aforesaid within the limits aforesaid with seines and nets, for fifteen years from the passing of this act.

CHAP. CLXXVI.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the town of Flushing, in the county of Queens.

Passed April 9, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the freeholders and inhabitants of the town of Flushing, who are qualified to vote at town meetings may, on the first Monday of May next, meet at some proper place in said town to be appointed by any justice of the peace in said county, and notified to the inhabitants at least eight days previous to such meeting in three of the most public places in said town, and then and there proceed to elect by ballot five discreet freeholders resident in said town, to be trustees thereof, who when chosen shall possess the several powers and rights hereafter specified; and such justice shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly elected trustees; and on every first Monday of May in every year after the first election of the trustees, there shall in like manner be a new election of trustees for said town, and the trustees for the time being shall perform the several duties required by the said justice of the peace in respect of notifying the meeting of the freeholders and inhabitants of the town, and of presiding at such election.

Trustees how to be chosen.

II. And be it further enacted, That all the freeholders and inhabitants of said town be and they are hereby ordained, constituted and declared to be for ever hereafter one body, politic and corporate, in fact and in name, by the name of the "Trustees of the Town of Flushing," and by that name they and their successors shall have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded; answering and being answered unto, defending and be-

Inhabitants of Flushing incorporated.

ing defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure.

Duty of the trustees.

III. *And be it further enacted*, That the trustees chosen by virtue of this act shall have charge of the public property belonging to said town, and shall manage and dispose of the same in the manner they may deem most conducive to the interest of the town, and shall have power from time to time to make and ordain all such by-laws and prudential rules and regulations as they may deem proper for and concerning the use and management and disposition of the said public property of said town, and the same to annul and again to renew or others make, from time to time as occasion may require, and in all cases and on all questions touching the premises a majority of the said trustees shall be competent and sufficient, and the acts, by-laws and regulations receiving the assent of such majority shall be as valid and binding as if the said trustees had all agreed to the same: *Provided*, That such by-laws be not repugnant to the laws of this state or of the United States.

Relative to the ferry at Whitestone.

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or the major part of them, to take charge of the ferry hitherto kept at Whitestone, on Long-Island sound, or to establish one in any other place in said town, which may be deemed more advantageous, and may lease out such ferry for such terms of years as they shall judge will most promote the public accommodation.

Relative to the bridge at Flushing creek.

V. *And be it further enacted*, That it shall be lawful for the said trustees chosen by virtue of this act to grant permission to the president and directors of the Flushing and Newtown turnpike bridge and road company to strengthen their bridge across the Flushing creek, by erecting stone piers, such as shall be necessary for the support thereof, provided such piers do not interfere with or in any way injure the rights of individuals.

Relative to fines.

VI. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain, and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the sum not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, with costs of suit, by the trustees for the use of said corporation.

CHAP. CLXXVII.

An ACT for the Relief of Adam Shaver.

Passed April 9, 1813.

WHEREAS John Geywits, on the sixteenth day of June, in the year of our Lord one thousand eight hundred and six, did covenant to convey to Adam Shaver a certain farm, situate in the town of Minden, in the county of Montgomery: And whereas the greater part of the consideration money for the said farm has been paid by the said Adam Shaver to the said John Gey-

wits in his life time : And whereas the said John Geywits died intestate, on or about the month of July, in the year of our Lord one thousand eight hundred and twelve, without having conveyed the said farm to the said Adam Shaver, leaving the following children his heirs at law, to wit, Reney Geywits, Susannah Geywits, John Geywits, Peggy Geywits, Adam Geywits, and one other child, all except Reney Geywits infants under the age of twenty-one years : And whereas Elizabeth Geywits, the widow and administratrix of the said John Geywits, has presented her petition praying to be authorised to convey the said farm to the said Adam Shaver in fee : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Elizabeth Geywits, the widow of John Geywits, late of Minden, in the county of Montgomery, to convey by a good and sufficient deed of conveyance, that certain farm or piece of land, situate in Minden aforesaid, being part of lot number fourteen in a patent granted to John M'Neil and others, that is to say, the westerly part of said lot number fourteen, and to contain eighty acres of land, which said deed of conveyance, when executed as aforesaid, shall be valid in the law, and shall vest the title of the premises therein to be described in the said Adam Shaver :—*Provided,* That the chancellor shall indorse on such deed that the said Adam Shaver is equitably entitled to the said farm.

CHAP. CLXXVIII.

An ACT for the Relief of John Jonson, Junior.

Passed April 9, 1813.

WHEREAS John Jonson, junior, one of the Brothertown Indians, has by his petition represented to the legislature, that the superintendents of the affairs of the Brothertown Indians did, in the year one thousand eight hundred and five, assign to him lot number one hundred and thirty-eight, of the Brothertown tract, and that a great part of said lot is unfit for cultivation : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the superintendents of the affairs of the Brothertown Indians to assign to the said John Jonson, junior, such other lot in the said tract as they in their discretion shall think proper, in the manner directed by the twentieth section of the act entitled "an act relative to Indians," passed the 4th April, 1801 : *Provided,* That the said John Jonson, junior, shall execute a release of said lot number one hundred and thirty-eight, to the Brothertown Indians, which release is hereby declared to be valid against said John Jonson, junior, and his heirs, and to revest the title of said lot number one hundred and thirty-eight in the said Brothertown Indians in the same manner as if no assignment thereof had ever been made to the said John Jonson, junior, and his heirs.

An ACT to incorporate the Fort-Edward Bridge Company.

Passed April 9, 1813.

Preamble.

WHEREAS William Finn and Ebenezer Kimball, of the village of Fort-Edward, in the town of Argyle, and county of Washington, and others, have by their petition presented to the legislature, prayed leave to build a toll bridge over a stream of water called the Fort-Edward creek, in the said village, and it appearing that such bridge when erected will be of great public utility: Therefore,

W. Finn and others incorporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said William Finn and Ebenezer Kimball, and all such persons as shall associate for the purpose of building the said bridge on the public highway, at the place where the present bridge stands in the said village, and their successors, be and are hereby created and made a corporation and body politic, in fact and in name, by the name of "The Fort-Edward Bridge Company," and may so continue for the space of ten years; and the said corporation shall by that name be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or any other place whatsoever.

Their style, &c.

Subscriptions how to be received.

II. *And be it further enacted,* That the said William Finn and Ebenezer Kimball be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of April next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the Fort-Edward bridge company the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the president and directors of the said company;" and the said books shall be deposited with the said commissioners, and opened at such times and places as they may direct, ten days previous notice of which shall be put up in at least two public places in the said village of Fort-Edward, and at two public places in the village of Sandy-Hill, in the town of Kingsbury and county aforesaid; and every subscriber shall at the time of subscribing pay to the said commissioners, or one of them, the sum of three dollars for each share so subscribed.

Stock.

III. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or funds of the said corporation shall not exceed one hundred shares, and that each stockholder be entitled to as many votes as he owns shares of stock in said company; and the said commissioners shall as soon as the said number of shares are subscribed, cause a notice to be put up at two public places in each of the villages aforesaid, of the time and place the said subscribers shall meet for the purpose of choosing seven directors, who shall be stockholders, to manage the concerns of the said company for one year, which notices shall be put up ten days at least before the said meeting; and the day on which the said directors shall be

thosen shall thereafter be the anniversary day for choosing directors; and the said directors shall immediately after their election proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, and shall have power to make such by-laws, orders and regulations, not inconsistent with the constitution or laws of this state or the United States, as may be necessary for the well ordering the affairs of the said corporation, and for the disposition of the stock and property of the said company.

Concerns to be managed by 7 directors

IV. *And be it further enacted,* That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation, and the directors of the preceding year shall continue in office until others are chosen as aforesaid.

V. *And be it further enacted,* That it shall and may be lawful for the said directors, or a major part of them to cause a bridge to be built on the said highway over the said Fort-Edward creek, at the same place where the present bridge stands, which said bridge so to be built shall not be less than sixteen feet wide, built in a substantial and workmanlike manner, and shall within one year from the passing of this act be so far completed as with safety to admit the passing of carriages of every kind.

Dimensions of the bridge.

VI. *And be it further enacted,* That as soon as the said bridge be so far completed as safely to admit passing as aforesaid, it shall and may be lawful for the said directors to erect a gate at one or both ends of the said bridge for the collection of tolls at the following rates, to wit: for a person and horse, two cents; for every head of neat cattle, one cent; for every horse, mare or colt, one cent; for sheep and hogs at and after the rate of six cents per score; for every carriage drawn by two horses or oxen, six cents, for each additional horse or ox, two cents, which said toll it shall be lawful for the said company to demand and receive of and from all persons passing said bridge; and it shall also be lawful for the said directors to cause a convenient building to be erected on the said highway so as not to obstruct the passage of carriages, for the toll-gatherer to reside in: *Provided always,* That no toll shall in any wise be demanded or received from any person or persons, either on account of themselves, their horses, cattle, waggons or other carriages, having occasion to pass and repass over the said bridge to any part of the said village of Fort-Edward, with hay or wood for sale or their own use, or of persons residing within one mile and an half of the said bridge going to or returning from mill with grists, persons going to or returning from places of public worship, or children going to and returning from any school in the said village, or of any person travelling on foot: *Provided,* that no toll shall be demanded for the passage of the troops or munitions of war of the United States or of this state.

Rates of toll.

Proviso.

VII. *And be it further enacted,* That in case the said bridge shall not, in the course of one year after the passing of this

Toll when to be demanded.

act, be so completed as to admit with safety the passage of all such teams and carriages as have usually passed on the roads leading thereto, the said directors shall not collect any toll for passing said bridge; and the said directors shall not collect any toll if at any time during the term aforesaid the said bridge shall become so far decayed as to render the passing thereof unsafe, and the same shall be certified to the said directors by any three justices of the peace in the said county of Washington, until the said bridge shall be sufficient; and if the said bridge shall be carried away by floods, or any other accident, then and in such case the said directors shall rebuild the said bridge within eight months next thereafter; and in case the said bridge shall not within eight months next after the same shall be so carried away be rebuilt, the said corporation shall be dissolved.

This act to cease when the company are reimbursed.

VIII. *And be it further enacted*, That as soon as the president and directors shall have received from the tolls arising from the said bridge the amount of the monies expended in building the said bridge, with an interest of twelve per cent thereon, the costs of keeping the said bridge in repair, and the wages of the toll-gatherer, the amount of which expenditures shall annually be ascertained by the oath of the president and directors of the said company, and filed with the treasurer of the county, then and in such case this act shall cease and the said bridge become the property of this state; and also that it shall be lawful for the legislature at any time after six years to repeal or to amend or alter this act in such manner as they may deem proper.

And the bridge to become public property.

IX. *And be it further enacted*, That at the expiration of the term aforesaid the bridge which shall be remaining at the place aforesaid shall be to all intents and purposes the property of the people of this state: *And further*, That this act be and it is hereby declared to be a public act.

CHAP. CLXXX.

An ACT concerning the Lands ceded by this State to the Commonwealth of Massachusetts.

Passed April 9, 1813.

Map made by W. Sabin confirmed.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the survey made by Walter Sabin, of the western lands ceded by this state to the commonwealth of Massachusetts, as delineated on a map thereof filed in the office of the secretary of this state, except the north tier of lots, containing eight thousand four hundred acres, be and the same is hereby confirmed.

Occupants to have certain privileges.

II. *And be it further enacted*, That the present occupants of part of the said north tier of lots shall have the exclusive privilege of purchasing that portion thereof which they respectively possess, together with the land adjoining, in the whole not exceeding one lot of one hundred and sixty acres to each occupant, at such price as the surveyor-general shall direct, on a fair valuation of each lot, exclusive of the improvements thereon, to be paid in instalments as are provided by the act

entitled "an act concerning the commissioners of the land-office and the sale of the unappropriated lands."

III. *And be it further enacted*, That the original proprietors, or their legal representatives, of persons claiming said land under a grant from the state of Massachusetts to Samuel Brown and others, shall have the privilege to purchase the residue of said land at the price ascertained as aforesaid. Privileges of the original proprietors.

IV. *And be it further enacted*, That in case neither the claimants as aforesaid, nor those in actual possession shall by the first day of November next purchase the same, or such parts as they or either of them are entitled to purchase by virtue of this act, on the terms and in the manner above mentioned, it shall be the duty of the surveyor-general to sell the same or such parts thereof as are not purchased as aforesaid, at public auction, giving notice thereof in like manner as is directed in the act aforesaid. Lands to be sold at vendue unless applied for before the 1st of Nov.

CHAP. CLXXXI.

An ACT to satisfy certain Appropriations.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office shall be and hereby are authorized and required, within six months after the passing of this act, to sell in such manner and for such price as they shall deem proper, so much of the lands belonging to the people of this state, and situate in the Eastern district, as will raise a sum sufficient to satisfy all such appropriations as remain unsatisfied, and have heretofore been made to open and improve any road in the Eastern district, and which appropriations were to be satisfied out of the proceeds of the sale of lands.

CHAP. CLXXXII.

An ACT relative to the Farmer's Turnpike Road and Bridge Company, and for other purposes.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That no person or persons shall be exempt from paying the tolls mentioned in the act incorporating said company, for passing the bridge built by them across the Walkill, but those that live within one mile of either side of the said bridge, except those who go to public worship; and that the president and directors of the said company shall no longer be required to commute with any person relative to the toll for passing the first gate on their turnpike road, but instead of the tolls they were authorized to take at the said gate, there shall be only allowed to be taken by them for every waggon with two horses, mules or oxen, eight cents, and in the other tolls a reduction in that proportion. Rates of toll altered.

Z

Company
may build
a new bridge.

II. *And be it further enacted*, That the said company may, at any time within six years, build a new bridge across the Shawangunk hill, provided the bridge over the same now used by them, shall during that time be kept in good repair.

Owego turn-
pike act re-
vived.

III. *And be it further enacted*, That the act entitled "an act to incorporate the Owego turnpike road company," passed March 30th, 1809, be and the same is hereby revived, and shall be in as full force as though the same had now been passed.

CHAP. CLXXXIII.

An ACT relative to the Pilots of the Port of New-York.

Passed April 10, 1813.

Fees of the
pilots.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for every branch pilot or deputy pilot of the port of New-York to ask and receive from any person who shall employ him to pilot any ship or other vessel, being a foreign bottom, and not owned by a citizen of the United States, the sum of five dollars on every such ship or vessel, in addition to the rates of pilotage allowed by law, any thing in any former act to the contrary notwithstanding.

Fees of the
masters and
wardens of
New-York.

II. *And be it further enacted*, That the master and wardens of the said port of New-York shall severally be allowed, for their services in the following cases the fees or sums following, that is to say: for each and every survey on merchandize on board of or imported in any ship or vessel not owned in whole or in part by a citizen or citizens of the United States, the sum of three dollars, and for each and every certificate given in consequence of damaged goods on board of or imported in such ship or vessel, the sum of two dollars and fifty cents, and for each and every survey on the hull or materials of any such ship or vessel, the sum of five dollars, and for each and every certificate given of such survey and recording the same, the sum of two dollars and fifty cents, any thing in any former or other act to the contrary notwithstanding.

Duration of
this act.

III. *And be it further enacted*, That this act shall continue in force for the term of one year and no longer.

CHAP. CLXXXIV.

An ACT to incorporate the Flushing Manufacturing Society.

Passed April 10, 1813.

J. Wyckoff
and others
incorporated.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That John Wyckoff, David Titus, Edmund Pearsall, and all other persons who now are or shall hereafter be associated with them for the purpose of erecting a spinning and carding machine, and other apparatus, principally for the purpose of manufacturing of woollen and cotton cloth, and they and their successors be and hereby are ordained and declared to be a body corporate and politic in fact and in name, by the name of "The Flushing Manufacturing Society,"

Their style,
&c.

and by that name they and their successors for the time being, for the space of twenty-five years from the passing of this act, shall and may have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes, whatsoever; and that they and their successors, by the name of the Flushing manufacturing society, shall in law be capable of purchasing such tracts of land and streams of water in the said township of Flushing, in the county of Queens, as may be deemed necessary to perfect the object of said corporation, and of holding and conveying the same.

II. *And be it further enacted*, That the stock, property and concerns of said corporation shall be managed by directors, who shall be annually appointed or elected on the second Tuesday in May in every year, at such time of the day and at such place in the said township of Flushing as the by-laws of the said corporation shall direct, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen by death, resignation or otherwise, such vacancy shall be filled by the stockholders at a special meeting to be called by the remaining directors, and the number of directors shall not exceed five persons, and no person to be elected or appointed a director that is not a stockholder.

III. *And be it further enacted*, That the capital stock of said corporation may be twenty-five thousand dollars, and that a share in said stock shall be five hundred dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively all such sums of money by them subscribed, or such parts thereof, at such times as they shall see fit, and in equal proportions, under pain of forfeiture of their respective rights or shares and all previous payments made thereon, under such regulations as the by-laws shall prescribe.

IV. *And be it further enacted*, That the corporation shall not be deemed to be dissolved in consequence of any omission to elect directors as prescribed, but may pass by-laws of the corporation altering the time thereof.

V. *And be it further enacted*, That the directors who are herein named shall, previous to their entering on any other business in relation thereto, convene the stockholders, who shall form such by-laws and regulations as shall appear needful and proper to carry the purpose of said corporation fully into effect; provided such by-laws be not inconsistent with the laws of the United States or of this state.

VI. *And be it further enacted*, That the stock of said corporation shall be deemed and considered personal estate; and that the said company shall not use any part of their funds in any banking transactions, or of purchasing any stock of any banking institution whatever; and that for all debts that shall be due and owing by the said company, the persons composing said corporation shall be responsible in their individual and private capacities to the extent of their respective shares and no further, in any suit

Concerns how to be managed.

Stock.

By-laws how to be made.

Stock deemed personal property.

or action, and that this act shall be deemed and considered as a public act.

First directors.

VII: *And be it further enacted*, That John Wyckoff, David Titus and Edmund Pearsall be and are hereby declared directors until others are chosen or elected in their stead, agreeable to the by-laws of said corporation.

CHAP CLXXXV.

An ACT authorising the Comptroller to loan Monies belonging to the School Fund, and for other purposes.

Passed April 12, 1813.

Comptroller directed to loan money to certain persons.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller be and he is hereby authorised to loan out of any money now being or hereafter to come into the treasury, belonging to the school fund of this state, and not otherwise disposed of, a sum not exceeding five thousand dollars, to Joseph Klein, the sum of five thousand dollars to William Jackson and Daniel Jackson, the sum of five thousand dollars to the Newport manufacturing company in the county of Herkimer, the sum of two thousand dollars to John Converse, the sum of five thousand dollars to Othniel Hosford and Smith Cogswell, the sum of five thousand dollars to Josiah Chapman, the sum three thousand dollars to John Whiting, the sum of three thousand dollars to George Flower, the sum of four thousand dollars to Nassau manufacturing company in the county of Rensselaer, the sum of twenty-five hundred dollars to Abraham L. Viele and Stephen L. Viele, the sum of three thousand dollars to David Dickey and Charles Knap, and the sum of three thousand dollars to the trustees of the woollen manufacturing society of Broadalbin: *Provided*, That no loan shall be made as aforesaid, until the same shall be secured to the people of this state by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years; nor until the said payments shall be further secured by a mortgage or mortgages on unincumbered real estate within this state, of double the value of the sum loaned, exclusive of any buildings thereon, to be approved of by the comptroller: *And further*, That the form of said bonds and mortgages shall be proscribed by the attorney-general, and the titles in all cases of loans of money by this state examined and approved of by him.

Proviso.

Directed to borrow 7000 dollars.

Proviso.

II. *And be it further enacted*, That the comptroller borrow on the credit of this state from the bank of America, or any other bank in this state, a sum of money not exceeding seven thousand dollars, at an interest not exceeding six per cent per annum, and loan the same to the commissioners for improving the navigation in Hudson's river, between the villages of Troy, Lansingburgh and Waterford: *Provided*, The said commissioners shall secure the said sum of money to the people of this state by a sufficient bond, conditioned for the repayment of the principal and interest of seven per cent, out of the first monies which shall come into their hands from the avails of a lottery heretofore granted to raise

the sum of thirty thousand dollars for improving the aforesaid navigation, by virtue of an act entitled "an act making provision for improving the navigation of Hudson's river, between the villages of Troy, Lansingburgh and Waterford, and for other purposes," passed April 2, 1810.

III. *And be it further enacted*, That when the commissioners aforesaid shall receive the said loan, they are hereby authorised to reimburse out of the same to those of the said commissioners residing at Lansingburgh, such sum or sums of money as they shall have bona fide laid out and expended in improving the said navigation, over and above the full amount of the public money which has come into their hands for that purpose. How to be disposed of.

IV. *And be it further enacted*, That James Hickok be and he is hereby appointed one of the commissioners for the purposes mentioned in the aforesaid recited act, in the place and stead of Thomas Tranor, who has moved out of this state, and that Elijah James be and is hereby appointed a commissioner for the purposes aforesaid, in addition to the number of commissioners appointed in and by the aforesaid recited act. J. Hickok and E. James appointed commissioners.

V. *And be it further enacted*, That the trustees of the village of Lansingburgh appointed by virtue of the act entitled "an act to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh," passed April 2, 1801, and their successors, shall and may take and hold all such lands and possess the like powers as were vested in certain trustees of said village appointed by virtue of an act entitled "an act to appoint trustees to take and hold certain lands therein mentioned, and for other purposes," passed 5th April, 1790, and to hold the said lands to them and their successors for ever, in trust, to and for the common use and benefit of the freeholders and inhabitants of said village of Lansingburgh: *And further*, it shall not hereafter be necessary for the freeholders or the freeholders and inhabitants of said village to elect trustees in pursuance of the provision contained in the said last recited act, any thing therein to the contrary notwithstanding. Certain powers vested in the trustees of Lansingburgh.

CHAP. CLXXXVI.

An ACT authorising the President and Directors of the Bank of Columbia to establish an Office of Discount and Deposit in the Village of Athens.

Passed April 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the bank of Columbia, at any time within one year after the passing of this act, to establish an office of discount and deposit at the village of Athens, in the county of Greene, under such rules and regulations as are practised at the said bank, and to commit the management thereof to not less than one president and seven directors, to be appointed by the said president and directors of the bank of Columbia, from the citizens residing in the village of Athens and its vicinity.

LAWS OF NEW-YORK,

CHAP. CLXXXVII.

An ACT directing the Sale of certain Lands for the Benefit of Academics.

Passed April 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby required to sell, for the benefit of such academics, or to convey to such academy or academies, as the regents of the university shall direct, giving the pre-emption right to actual settlers, if any, on the land, all that tract of land lying in the town of Westford, in the county of Otsego, bounded as follows: southerly, westerly and northerly by Franklin's patent, and easterly by Spencer's and M'Kee's patents, lying on what is commonly called the Crumhorn mountain.

CHAP. CLXXXVIII.

An ACT to incorporate the Schaghticoke Turnpike Road Company.

Passed April 12, 1813.

J. Masters
and others
incorporated.

*I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Josiah Masters, Cornelius Van Veghten, Stephen L. Viele, Ezekiel Baker and Ira Campbell, and all such others as shall associate together for the purpose of making a good and sufficient road to run in the nearest and most direct route, as far as circumstances will permit, beginning at the northern turnpike road, near the seventh mile stone on said road, from thence to Viele's bridge, from thence to Nicholas Masters' old house, and from thence to or near Thomas Whitesides, to intersect the eastern road, their successors and assigns, be and they hereby are created and made a body corporate and politic by the name and style of "The President, Directors and Company of the Schaghticoke Turnpike Road," and they are hereby declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and style, shall in law be capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That the amount of such real estate which the corporation are hereby authorised to purchase and hold shall not exceed four thousand dollars: *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.*

Their style,
&c.

Provided.

Subscriptions
how to be re-
ceived.

II. And be it further enacted, That Josiah Masters, Cornelius Van Veghten and Stephen L. Viele be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of July next, procure three books, and in each of them

enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Schaghticoke turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners two dollars for each share so by him subscribed; and the said commissioners shall, as soon as four hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers in the county, giving at least ten days notice of the time and place when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year; and the said directors shall be chosen by ballot by the stockholders then present, and the day of choosing said directors shall for ever thereafter be the anniversary day for choosing said directors; and any seven of said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of the majority of the directors so met shall be binding on said corporation; and the said directors elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot one of their number for president, and the said president and directors may meet from time to time at such places as they may find expedient and direct, and they shall have power to make such by-laws, rules and orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering the affairs of said corporation: *Provided*, That at the election of directors the stockholders not present may vote by proxy for said directors, and each stockholder shall be entitled to one vote for each share he shall hold under the number of ten shares, and one additional vote for every ten shares, he shall hold above the number of ten shares.

Directors
how chosen.

Provido.

III. *And be it further enacted*, That in case of the death or absence of the president, a quorum of the directors may appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in like manner as if the president was with them.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be four hundred shares subscribed, and shall have power to appoint such officers, clerks, agents, artists, workmen, and others under them, as shall be necessary for executing the business of said corporation.

400 shares
may be sub-
scribed.

V. *And be it further enacted*, That the said turnpike, including the ditches, shall be at least four rods wide, and shall extend from the northern turnpike, near the seventh mile stone in the town of Schaghticoke, to Viele's bridge, from thence on the best ground to Nicholas Masters' old house, and from thence

Courts and
dimensions
of the road.

on the best ground to or near Thomas Whitesides, to intersect the eastern road; that the direction of the said turnpike road shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state, and it shall be the duty of said commissioners to lay out the said road without favor or partiality, according to the best of their judgment, so as to answer the object of the corporation and secure the public interest; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made and filed in the clerk's office of the county of Rensselaer, and expenses of surveying the said road and making and recording such map, together with the allowance to the said commissioners, at the rate of two dollars per day for their services, shall be paid by the said corporation; that the said road shall be made by bedding the breadth of at least twenty-five feet thereof, with stone, gravel or other hard substance, one foot thick, and the same shall be covered at least six inches thick with gravel or other hard substance, so as to make the surface smooth and hard.

Land how
to be taken
so make the
road.

VI. *And be it further enacted,* That it shall be lawful for the president, directors and company, after the track of said road shall be designated as aforesaid, to enter upon and take possession of such quantity of improved or unimproved land, not exceeding four rods wide, as shall be necessary for making said road, the said president, directors and company paying to the owners of the lands such value for the same in damages as shall be agreed upon by the said parties, or in case of disagreement, such damages as shall be assessed by two justices of the peace, and by the oaths of twelve reputable freeholders, who shall be summoned by the constable of the town in which such land may be, by virtue of a warrant to be issued by the said justices for that purpose; and in case of infancy, coverture, or absence from the state of any of the owners, it shall be lawful for the said president, directors and company to take possession of such land, the value and damages whereof shall be ascertained and assessed in the manner above prescribed, and paid to the persons entitled thereto on demand; and on the payment of the value of such land so to be taken for said road, the right and title thereto shall vest in the said president, directors and company.

Road to be
inspected.

VII. *And be it further enacted,* That as soon as the president, directors and company shall have completed the said road, it shall be lawful for the said president and directors to give notice to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three commissioners to view the same, and to report to him in writing whether such part of said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect and fix two half toll gates and turnpikes upon and across said road, at such places as the president and directors shall appoint, and to col-

lect the duties and tolls herein after granted to the said corporation, from all persons travelling or using the same.

VIII. *And be it further enacted*, That as soon as the said ^{Rates of toll.} road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall be lawful for the said president and directors to appoint toll-gatherers to collect of and from all and every person and persons using the said road at each of the said gates, the tolls herein after mentioned, and no more, that is to say : for every score of sheep or hogs, eight cents ; for every horse and rider, four cents ; for every led or driven horse, three cents ; for every sulkey, chair or chaise, six and one quarter cents ; for every cart drawn by one horse, four cents ; for every chariot, coach, coachee or phaeton, twelve and an half cents ; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen, six and one quarter cents, and for every additional horse, ox or mule, three cents ; for every sleigh or sled, four cents, if drawn by two horses, and in like proportion if drawn by a greater or less number of horses or oxen ; that it shall be lawful for any of the toll-gatherers to stop and detain any person riding, leading or driving any horse or horses, cattle, sheep or hogs, sulkey, chair, chaise, phaeton, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpike until they shall respectively pay the tolls as above specified : *Provided*, That nothing in this act shall be construed so as to entitle this corporation to demand toll of or from any person passing to or from public worship, or to or from his common business on his farm, or in going to or from any mill to which he resorts for grinding of grain for his family's use, or persons going to or returning from any funeral, or from troops of this state or of the United States.

IX. *And be it further enacted*, That the said corporation shall cause mile stones to be erected, one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from Lansingburgh ; and the corporation shall cause to be affixed at or over each gate or turnpike a printed list of the rates of toll which may be lawfully taken. ^{Mile stones to be set up.}

X. *And be it further enacted*, That if any person or persons shall break down or deface or injure any of the mile stones so to be erected, or shall dig up or attempt to spoil any part of the said road, or shall cut, break down or destroy any part of the gates or turnpikes erected in pursuance of this act, or shall forcibly pass any or either of the gates or turnpikes without having paid the legal toll at each gate or turnpike, every such person or persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons shall, with his or their team or teams, carriage or horse, turn out of the said road to pass any or either of the gates on ground adjoining thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit. ^{Penalty for injuring the mile stones or road.}

Penalty for
detaining
passengers.

XI. *And be it further enacted,* That if any toll-gatherer shall unreasonably detain or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty-five dollars for the use of the person so delayed or hindered.

Stock deemed
personal
property.

XII. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall be transferable in such manner as the said president and directors may direct.

Toll may be
lessened.

XIII. *And be it further enacted,* That it shall be lawful for the said president and directors at any time to lessen the rate of toll or duties, or take away one of the gates or turnpikes, provided two-thirds of the stockholders shall agree thereto.

Accounts
how to be
kept and
rendered.

XIV. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received or to be received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingencies costs and charges being first deducted) among the stockholders of the said corporation, and on the first Tuesday in January and July in every year shall publish the half yearly dividend of the clear profits to be made among the stockholders and at the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Accounts of
expenses and
dividends to
be lodged
with the
comptroller.

XV. *And be it further enacted,* That the president and directors shall within six months after said road shall be completed, lodge in the comptroller's office of this state an account of the expenses thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll, with the annual disbursements on said road.

Stock how to
be called in.

XVI. *And be it further enacted,* That it shall be lawful for the president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain and forfeiture of all their shares and the previous payments thereon, to the said president, directors and company.

Stock may be
increased.

XVII. *And be it further enacted,* That after the amount of the said number of four hundred shares mentioned in and by the fourth section of this act shall have been appropriated by the said president and directors for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the same, it shall be lawful for the said president and directors, in order to complete the said road and turnpike, to increase or raise the funds of the said corporation by adding a sum not exceeding ten dollars to each and every share in the whole stock, which sum so to be added shall be in equal ratio upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

The corpora-
tion may be
dissolved.

XVIII. *And be it further enacted,* That the legislature may dissolve said corporation when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, re-

pairing and taking care of said road, together with an interest of fourteen per centum per annum, and thereupon the right, interest and property shall be vested in the people of this state, and be and remain at their disposal : *Provided*, That if the said corporation shall not commence their operations on said road within two years after the passing of this act, and shall not within five years after complete the same according to the intent and meaning of this act, then and in either case, this act shall cease, be void and of none effect.

CHAP. CLXXXIX.

An ACT for the Relief of the Representatives of John Darrow, deceased.

Passed April 12, 1813.

WHEREAS the administrators of John Darrow, late of Chatham, in Columbia county, deceased, in conjunction with several of the heirs of said Darrow, have presented their petition praying for power to convey the real estate of the deceased for the benefit of his heirs : And whereas it is represented to this legislature that the said John Darrow before his decease contracted with John C. Hogeboom for the sale of the farm on which the said Darrow lived, and died leaving a widow and fifteen children, many of whom are infants : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the administrators of the goods and chattels, rights and credits which were of John Darrow, late of Chatham, in Columbia county, deceased, to convey to John C. Hogeboom, the farm of which the said John Darrow died seised, situate in Chatham aforesaid, in pursuance of and in fulfilment of the contract made relative to the premises between the said John Darrow and John C. Hogeboom, under the order and direction of the chancellor of this state, if in the opinion of the said chancellor the representatives of said Darrow would be compelled to carry said contract into specific execution, and the conveyance so made shall be valid and effectual to convey the title of the premises as fully and amply as if the same had been by deed conveyed by the said John Darrow : And further, if in the judgment of the chancellor the said John C. Hogeboom could not enforce a specific execution of the contract aforesaid, then it shall be lawful for the aforesaid administrators to sell and convey as aforesaid the real estate of which the said John Darrow died seised for such price as they may think proper to accept, provided the chancellor shall approve of such sale.

II. *And be it further enacted*, That the money arising from the sale of the real estate of the said John Darrow shall be paid into the hands of the surrogate of the county of Columbia, to be by him divided among the heirs of the said intestate, and the said surrogate shall pay over to the guardians of the said infant children the share or portion to them belonging, and shall take from such guardians sufficient bond, conditioned to apply the said money to the support and education of said infant children, and pay the surplus, if any, to them as they shall respect-

tively arrive at full age ; And further, if the widow of said John Darrow shall unite in the sale, and execute a conveyance of the said estate by which her right of dower shall pass, then it shall be lawful for the administrators or survivor, and the said surrogate to pay out of the money arising from the sale of the premises such sum as they shall judge reasonable and just for such dower.

CHAP. CXC.

An ACT to extend the Time for completing the Farmer's Turnpike Road from Troy to the City of Hudson.

Passed April 12, 1813.

Time for
completing
the road ex-
tended.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the time for completing the Farmer's turnpike road from Troy to Hudson, be extended to the first day of June, one thousand eight hundred and fifteen.

Company re-
leased from
making the
road from
Bath to Troy.

II. *And be it further enacted,* That the president, directors and company of the said Farmer's turnpike road be and they are hereby released from building and keeping in repair all that part of the said turnpike road between the villages of Bath and Troy, and the said road instead of beginning at the south end of First-street in the village of Troy, shall commence at the village of Bath, any thing in the law granting the said turnpike notwithstanding : *Provided nevertheless,* That the said president and directors shall not be permitted to erect more than one whole toll and three half toll gates on the said road, exclusive of the gate at the bridge across Major Abraham's creek : *Provided,* That the said company shall not ask, exact or receive toll within the corporation of the city of Hudson, of or from any person travelling towards or from the city of Hudson who shall not travel the said turnpike further or otherwise than he is necessarily obliged to do by the interference of the same with the public roads which were within the said corporation at the time of the making of the said turnpike, and this act is declared to be upon that express condition : *And provided further,* That nothing in this act contained shall be deemed to control or operate on the construction of the act incorporating the said company.

Penalty for
evading the
toll.

III. *And be it further enacted,* That if any person shall avail himself of the exemption provided by the previous section, having travelled or shall afterwards travel on the said turnpike against the provisos of the preceding section, he shall forfeit ten dollars, to be recovered in any court in the name of the said company, and for their benefit ; and if any gate-keeper, or other person, by the consent or for the benefit of the said company, shall exact toll from the persons exempted by the preceding section, he shall forfeit to such person the sum of ten dollars, to be recovered by him in any court having cognizance of the same.

A certain no-
tice to be set
up at the
each gate.

IV. *And be it further enacted,* That the said company shall place upon the south gate, or near it, in a conspicuous place, a board with these words written or printed legibly thereon :

" All persons only crossing this road, and not having travelled or now travelling this turnpike road may pass free of toll :"
Provided, That this act shall in no wise be construed so as to affect or prejudice any suit or suits heretofore commenced by or against the said corporation, or by or against any individual in relation to the said road.

CHAP. CXCI.

An ACT to enable certain Persons therein named to purchase and hold Real Estate within this state.

Passed April 12, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for John White, John White, junior, Thomas White, Thomas White, junior, Matthew White, Matthew White, junior, James Hunter White, Robert Shannon, Alexander Milne, Thomas Drummond, James Sinclair, John Sinclair, John Gally, Robert McElroy, Thomas Suffern, William Wilson, Matthias Aram, Nicholas Slype, Robert Forrest, Joseph Palmer and Daniel Carmichael, severally to take and hold, by purchase or descent, lands, tenements and hereditaments within this state, to have and to hold the same to them and to their respective heirs and assigns for ever, as fully to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That no lands, tenements and hereditaments heretofore purchased by any person herein before named, shall escheat to the people of this state by reason or on account of such persons then being aliens, but all such lands, tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding : *Provided always*, That nothing herein contained shall be construed to confer on any of the persons herein named, any other rights appertaining to natural born citizens, except those of taking, holding and disposing of real property within this state.

CHAP. CXCI.

An ACT to incorporate the Urtica Whitlowi Society.

Passed April 12, 1813.

WHEREAS Charles Whitlow and his associates have by Preamble. their petition represented to the legislature, that he has discovered a plant, a native of this state, called the Urtica Whitlowi, which, promises essential benefits to the community in promoting domestic manufactures, as a substitute for hemp and flax, and have also represented that various plants may probably be discovered, highly valuable as dye-stuffs, for the exclusive use of the former of which the said Charles Whitlow hath obtained a patent from the government of the United States, and are desirous of making extensive experiments in the culture of the

said Urtica Whitlowi, and prosecuting their researches for such dye-stuffs, and have prayed an act of incorporation the better to enable them to obtain the objects of their association : Therefore,

C. Whitlow
and others in-
corporated.

Their Ayle,
&c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Charles Whitlow, and all such persons as are now or hereafter shall be associated with him for the purposes aforesaid, and their successors, for twenty years from the passing of this act, be and they hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of " Urtica Whitlowi Society," and by that name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, necessary for the objects of this incorporation.

Concerns
how to be
managed.

II. *And be it further enacted,* That the stock, property and concerns of the said corporation shall be managed by five directors, who shall annually be elected from the stockholders on the first Monday in December, at such time of the day and place within this state, as the directors shall appoint, of which time and place public notice shall be given at least thirty days before the time of holding such election, in one of the daily papers printed in the city of New-York, and in one of the newspapers printed in the city of Albany; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and the five persons having the greatest number of votes shall be directors, and shall have power to elect one of their number as president, and also to fill all vacancies in the year occasioned by death, resignation, or removal out of the state; and in case no election shall be held on the day herein before mentioned, the president and directors for the time being shall direct, on the like notice, the time and place of choosing such directors, giving at least twenty days notice thereof in manner aforesaid.

By-laws may
be made.

III. *And be it further enacted,* That the president and directors aforesaid shall have power to make such by-laws, rules and regulations, consistent with the constitution and laws of this state, as to them shall appear necessary and proper, relative to the management and disposition of the stock, property, estate and effects of the said corporation, and relative to the duties of the officers, artificers and servants by them employed, and all such matters and things as appertain to the business and concerns of the said incorporation, and to appoint such and so many officers, clerks and servants for carrying on and conducting the affairs and business of the said company, and with such allowance for salaries and wages as to them shall seem necessary and proper.

Stock limit-
ed.

IV. *And be it further enacted,* That the stock of the said company shall be deemed personal property, and shall never exceed fifty thousand dollars.

CHAP. CXCIL

An ACT to incorporate the Stockholders of the Allegany Coal Company.

Passed April 12, 1813.

WHEREAS Jacob Sherred and others have associated themselves for the purpose of exploring, digging and vending coal, and in order to enable them more extensively to carry their intentions into effect, have presented a petition to be incorporated : Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Jacob Sherred, John G. Bogert, Gilbert Aspinwall, Gabriel Furman, John Slidell, George Arcularius, Anthony Steinback, and all other persons who have associated, or who may associate with them for the purposes aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of "The Allegany Coal Company," and by that name they and their successors shall and may be known and have succession, and shall have power and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts, judicatures and places whatsoever and wheresoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and also of contracting and being contracted with, relative to the purposes and business for which the said corporation is hereby created, as hereafter declared ; and that the said corporation shall and may have a common seal, and may alter and change the same at their pleasure ; and also that the said corporation shall be in law capable of purchasing, holding and conveying any real or personal estate and property for the public use of the said corporation : *Provided,* That the whole of the said stock and real estate of said corporation shall never exceed one hundred thousand dollars, current money of the United States.

Jacob Sherred and others incorporated.

Proviso.

II. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven directors, who shall be stockholders in said company, of at least five shares each, and who shall be annually elected by the stockholders by ballot, on the second Monday in January in every year, at such time of the day and at such place in the city of New-York as the board of directors for the time being shall appoint for that purpose, of which election, and of the time and place, the said directors shall cause public notice to be given at least ten days prior to the day of election, in two public newspapers printed and published in the city of New-York, and those persons who shall have the greatest number of votes at such election shall be directors, and the said directors shall by a majority of votes, choose one among themselves to be their president, which president and directors shall hold their offices for one year, and until others shall be elected ; and if any vacancy shall happen among the directors by death, resignation or removal, or ceasing to be a stockholder in the said company, such vacancy shall be filled for the remainder of the year in which the same shall happen by the remainder of the directors for the time being ; and the first directors shall be Ja-

Concerns how to be managed.

First directors cob Sherred, John G. Bogert, Gilbert Aspinwall, George Arcularius, Gabriel Furman, Frederick Gussenhainer, and Anthony Steinback, who shall hold their respective offices until the second Monday in January, one thousand eight hundred and fourteen, and if any vacancy should happen among the said directors as aforesaid, then such vacancy shall be supplied as is herein before directed.

Proviso as to election. III. *And be it further enacted*, That if it should at any time happen from any cause whatsoever, that the election should not take place in any year on the day herein for that purpose mentioned, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on such convenient day as may for that purpose be fixed on by the said directors, they causing such notice thereof to be given as is herein before required for an election on the days herein before designed for that purpose.

Stock. IV. *And be it further enacted*, That the stock of said corporation shall not exceed one thousand shares, and that each stockholder personally, or by his agent, shall be entitled to one vote for each share he may hold in his name.

Powers of the directors. V. *And be it further enacted*, That the directors may appoint their own times and places of meeting, and shall have power to appoint a general meeting of all the stockholders, whenever in their opinion such meeting becomes necessary for the interest of the company, on giving ten days previous notice thereof as aforesaid, and shall also convene a meeting of the stockholders on the application of any five stockholders owning together one hundred shares; and the said directors shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property and effects of the said corporation, and touching the appointment, duties and conduct of their treasurer, secretary, clerks, agents and servants employed by them, and touching all such matters as appertain to said corporation, with powers to appoint such and so many officers, clerks and servants for carrying on the said business of exploring, digging and vending coal, with such allowances and salaries as to them shall seem meet: *Provided*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Restrictions VI. *And be it further enacted*, That the said corporation shall be and are hereby restricted and limited solely to carrying on the business aforesaid, and that they shall not carry on any other kind of business whatsoever.

Duration of the corporation. VII. *And be it further enacted*, That the duration of the corporation created by this act, shall be twenty years, and that this act shall be considered a public act.

CHAP. CXCIV.

An ACT for the Relief of Jacob Holmes, administrator of the Estate of Stephen Thorn, deceased.

Passed April 12, 1813.

Preamble. WHEREAS Stephen Thorn, one of the managers of Union college lottery, hath lately died intestate, and was at the time of

his death in arrear as such manager in a large sum of money : And whereas Jacob Holmes hath sued out letters of administration of the goods, chattels and credits which were of the said Stephen Thorn : And whereas it is represented by the said administrator that a sum of money hath been deposited in the name of the said Stephen Thorn in the Farmers' bank, which it is believed had been received on account of the said lottery, and that it is probable that other sums of money received on the same account may be deposited in the name of the said Stephen Thorn in other banks within this state : And further, that fifty seven hundred tickets of the first part of lottery number four of the said Union college lottery remained in the hands of the said Stephen Thorn at the time of his death. and that the estate of the said Stephen Thorn is insufficient to pay his debts : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the comptroller, by and with the advice and consent of the attorney-general. be and he is hereby authorised to settle with the said Jacob Holmes, as administrator as aforesaid, for the monies in arrear from the said Stephen Thorn as a manager as aforesaid, and to receive from the said administrator all the monies deposited in the name of the said Stephen Thorn in any of the banks within this state, which shall appear to have been received by him as such manager, together with the promissory notes for tickets sold by the said Stephen Thorn on account of the said lottery, and also all the unsold tickets belonging to the said lottery which have come to the hands of the said administrator, and upon receipt of the said monies, promissory notes and unsold tickets, to give a receipt for the same to the said administrator, and forthwith to cause the said promissory notes to be collected and to apply as well the monies arising therefrom as the other monies which may be received from the said administrator, or on account of prizes drawn by any of the unsold tickets, towards the payment of the sum in arrear by the said Stephen Thorn on account of the said lottery.

Comptroller directed to settle with the administrator of S. Thorn.

II. *And be it further enacted,* That in case any bona fide recovery shall be had against the said administrator by any of the private creditors of the said Stephen Thorn by reason of the payment which the said administrator may make to the comptroller in pursuance of this act, the comptroller is hereby authorised to pay the amount of such recovery out of any monies in the treasury not otherwise appropriated : *Provided always,* That the said administrator shall give timely notice of any action which may be commenced against him by such private creditors to the attorney-general, and submit the defence thereof to him, and shall furnish the attorney-general with all the testimony within the power of the said administrator to make such defence.

Recovery had against said administrator by private creditors how to be paid.

III. *And be it further enacted,* That it shall and may be lawful for the comptroller, if he shall be satisfied after a full and fair investigation of the account of the said Stephen Thorn with this state, an enquiry as to the solvency of his estate and the situation and circumstances of his sureties who entered into the bond to the people of this state for the due and faithful dis-

Estate and sureties of S. Thorn how to be discharged.

charge of his trust as such manager as aforesaid, that it will be for the interest of this state to discharge the estate of the said Stephen Thorn and his sureties as aforesaid from any further accountability for any losses the state may sustain by reason of the defalcation of the said Stephen Thorn, and upon receiving such monies and promissory notes as aforesaid, by and with the advice of the attorney-general, to discharge such administrator and the said sureties from such accountability.

Report to be made to the legislature.

IV. *And be it further enacted*, That it shall be the duty of the comptroller to report to the legislature on the first day of their next session all his proceedings touching the premises aforesaid.

CHAP. CXCIV.

An ACT for publishing the Laws of this State.

Passed April 12, 1813.

W. P. Van Ness and J. Woodworth directed to prepare public laws for the press.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That William P. Van Ness and John Woodworth, Esquires, be and they are hereby authorised and appointed to prepare for the press, and under such heads or divisions as they shall think proper, all the public laws of this state which are general and of a permanent nature, and affecting the community at large, including those of the present session, with such marginal notes and references as shall appear best calculated for public information; and the said William P. Van Ness and John Woodworth shall prepare for publication with the said laws the constitution of the United States of America and the constitution of this state: And further, they shall make an index of the matter contained in the said work, and shall correct all errors in the orthography of the laws, and shall in every other respect complete the said work in such manner as to them shall seem to be most useful and proper, and for this purpose they shall have free access to and be permitted to examine any of the public records and papers of this state without fee or reward.

Also the constitution of the U. States and of this state.

Secretary directed to agree with a printer.

II. *And be it further enacted*, That it shall be lawful for the secretary of this state to agree with any printer to print the said work upon such terms as he may think proper, having a reasonable regard to economy therein, which laws so printed and published shall be evidence in all courts of justice whatsoever; and the said printer shall deliver at least one thousand copies of the said work, completely bound in calf skin, to the said secretary, to be by him retained subject to the order of the legislature.

Necessary expense to be allowed.

III. *And be it further enacted*, That the treasurer of this state, on the warrant of the comptroller, shall pay to the said William P. Van Ness and John Woodworth such sums as it may appear to the comptroller are necessary from time to time for defraying the expense of preparing the said work for the press, and for paying the compensation herein after allowed to the said William P. Van Ness and John Woodworth.

Compensation to the revisers.

IV. *And be it further enacted*, That the said William P. Van Ness and John Woodworth shall severally be and they are here-

by allowed for their services aforesaid, the sum of one thousand dollars.

V. *And be it further enacted*, That the present members of the legislature shall be entitled to receive one set of the said laws so deposited in the secretary's office, and the said secretary shall deliver the same to them, or their order. Members of the legislature to receive one set each.

VI. *And be it further enacted*, That it shall be the duty of the state printer to cause the laws enacted at each session of the legislature to be bound in boards, and that the expense thereof and of stitching the journals of the two houses, shall be paid to him by the treasurer, on the warrant of the comptroller, who shall audit the account of the same. State printer to be paid for binding session laws in boards.

CHAP. CXCVI.

An ACT to incorporate the Eagle Volunteer Fire Company in the Village of Lansingburgh.

Passed April 12, 1813.

WHEREAS James Denison, John Topping, Norman Squires and Edward A. Cook, and others, by their petition presented to the legislature, have represented that they have associated for the purpose of procuring a fire-engine by their voluntary contributions, and forming a fire company to protect the property of the inhabitants of the village of Lansingburgh from the ravages of fire, and the better to effect the object of their association, have prayed to be incorporated: Therefore, Preamble.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said James Denison, John Topping, Norman Squires, Edward A. Cook, and their associates, be and are hereby constituted a body politic and corporate, by the name and description of "The Eagle Volunteer Fire Company," and by that name shall have perpetual succession, sue and be sued, defend and be defended in all actions, matters and things whatsoever, have a common seal and change the same at pleasure, purchase, take, hold and convey any estate, real or personal: *Provided* such estate at the time of acquiring the same shall not exceed in value one thousand dollars, and shall be necessary to effect the object of said incorporation; and shall have power and authority from time to time to pass, make and ordain all such by-laws and ordinances for regulating the concerns of the said company, the conduct and duty of their members, officers, agents and servants respectively, the manner of making transfers of the stock of said company, convening and holding meetings of said company, and all other matters relative to the said company, and the management of the property thereof, as to them seem proper, and shall not be inconsistent with the constitution and laws of this state or of the United States; that the stock of said company shall be deemed personal property, and shall consist of twenty shares of fifty dollars each, and one share and no more of the same shall be owned and held by each of the members of said company, and be paid into the hands of the treasurer of said company in such proportions and at such times as the majority of the members of said company at any meeting of said company shall J. Denison and others incorporated.
Their style, &c.
Provided.
Stock.

determine and require, upon pain of forfeiture of such share and all previous payments thereon ; that said share shall be transferrable, but no member of said company shall transfer the share by him held in the stock of said company, except to some person who shall be approved of by a majority of the members of said company, at a public meeting of said company, and the person to whom the same is so transferred shall by virtue of such transfer become and be a member of said company in the room and stead of the person so transferring the same, which transfer shall be duly recorded in a book for that purpose to be kept by the secretary of said company : *Provided* the persons named in this section as members of the Eagle volunteer fire company be approved of by the trustees of the village of Lansingburgh, and that the said trustees, or a major part of them, be and they are hereby authorised to appoint all future members thereof.

Proviso.

Company to consist of 20 members.

Annual meeting to elect a captain.

II. *And be it further enacted*, That the said volunteer fire company shall consist of twenty members, and no more, who shall reside in the village of Lansingburgh.

III. *And be it further enacted*, That the several members of said company shall annually, on the first Tuesday of May in each year, at such place in the village of Lansingburgh as the majority of them shall direct, by plurality of votes, elect one of their members to be the captain of the said company, one other of their members to be treasurer, and one other of their members to be secretary of said company, who shall severally continue in office for one year ; and the captain so chosen shall have power to call meetings of the said company whenever he shall think proper, for any purposes connected with the objects of said corporation.

How to be governed in time of fire.

IV. *And be it further enacted*, That the said volunteer fire company shall in time of fire be subject to and regulated by the by-laws of the trustees of the village of Lansingburgh made to regulate the duty and conduct of the fire company of said village.

Conditions.

V. *And be it further enacted*, That the grant, provisions, and every thing in this act contained are upon the express condition, that the said Eagle volunteer fire company shall and do at their own expense, on or before the first day of September next, procure and keep in the village of Lansingburgh, a good and sufficient fire engine, with its necessary tackle and apparatus, to aid in the extinguishment or prevention of such fires as may happen in said village ; and in case the same company shall not procure such fire engine before said day, or shall not for the space of six months at any time have and possess at some suitable place in said village a good and sufficient fire engine with its necessary tackle and apparatus, in good and sufficient repair, prepared to aid in the extinguishment of such fires as may happen in said village, the said incorporation shall be ipso facto dissolved, and the powers, privileges and exemptions hereby granted cease and be null and void, any thing in this act to the contrary contained notwithstanding.

Certificate of the captain to be evidence.

VI. *And be it further enacted*, That a certificate under the common seal of said company, signed by the captain thereof, shall be deemed and taken in all places as competent evidence that the person to whom it is given is a member of said com-

pany, and entitled to all the privileges and exemptions in and by this act granted to the members of the same company.

CHAP. CXCVII.

An ACT relative to the Eastern Branch of the Schoharie Turnpike Road.

Passed April 12, 1813.

WHEREAS the president and directors of the said turnpike road have by their petition represented to the legislature, that it is highly necessary as well for the good of the public as for the interest of the company, to allow some alterations to be made in the route of their said road, between the east end thereof and the village of Freehold, so as to avoid some of the worst hills; and that it is also necessary to reduce others, so as to render them of more gradual and easy ascent; that the amount of the stock has all been paid in, and that a tax on the stockholders is absolutely necessary to effect the same: Therefore,

Preamble.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Teunis Whitbeck, Nicholas I. Van Loon and Joseph Groom be and they are hereby appointed commissioners, whose duty it shall be, or any two of them, on notice and request of the said president and directors for the time being, to survey, lay out and direct such alterations in the route of the said road within the limits aforesaid (and of the width of four rods) as they or a majority of them shall judge to be for the good of the public and for the interest of the said company.

Alterations how to be made in the route.

II. And be it further enacted, That when the said several alterations are marked out and designated, it shall be lawful for the president and directors aforesaid to enter and take possession of the same, paying the owner or owners such compensation as shall be agreed on between the parties by an exchange of those parts of the present route as shall be rendered useless to the said company, or otherwise; and in case of disagreement, or if the owner or owners shall be feme covert, under age, or out of the county, the damages, if any, shall be appraised by three judicious freeholders, not interested in said road or the lands to be appraised, to be appointed by the court of common pleas for the county of Greene, and paid for when the same shall be legally demanded.

Lands how to be taken.

III. And be it further enacted, That when the said president and directors shall have completed the said alterations in the form and manner pointed out in their original act of incorporation, the same is hereby declared to be vested in the said company as part of their said turnpike road.

And when vested in the company.

IV. And be it further enacted, That in order to enable the president and directors aforesaid to accomplish the afore mentioned objects, that a sum not exceeding one dollar and fifty cents may be assessed by the said president and directors on each share of the whole capital stock the said company is entitled to hold, payable at such times and places as the said president and directors shall appoint by a notice to be inserted in one of the newspapers printed in New-York, Albany and Cats-

Stock to be increased.

kill, for ten weeks successively; and that if any stockholder, or any of those who might have become stockholders by the privilege of investment contained in the third section of "an act relative to the Schoharie turnpike road," passed March 13th, 1807, shall neglect to pay their said assessment or any part thereof, for six months after the time of payment mentioned in the said notice, it shall be lawful for the said president and directors to sell the stock of such delinquent stockholder at public auction, to the highest bidder, first giving six weeks notice of such time and place of sale in one of the public newspapers printed in the city of New-York, and the newspaper printed in the county of Greene, and from the proceeds of such sale to pay the tax on said stock sold as aforesaid, and the overplus, if any, deliver over to the original holders of said stock.

Compensation of commissioners and appraisers.

V. *And be it further enacted*, That the said commissioners shall receive the sum of two dollars, and the appraisers the sum of two dollars, for each and every day that they shall be necessarily employed in their respective duties required by this act, payable by the treasurer of the said company.

CHAP. CXCVIII.

An ACT relative to the Managers of Lotteries.

Passed April 13, 1813.

Power of the managers.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the managers appointed to conduct any lotteries now authorised, or hereafter to be authorised by law, shall have power to adopt such schemes, as to them shall appear proper, to sell the tickets in the manner herein after mentioned, to superintend the drawing of the same, and the payment of the prizes thereof: And further, that vacancies by death or otherwise shall from time to time be supplied by the person administering the government of this state, who is hereby authorised and empowered to appoint suitable persons to supply such vacancies as may from time to time occur.

Vacancies how to be filled.

They shall give security

II. *And be it further enacted*, That each of the said managers shall, before he takes upon himself the management of the said lotteries, enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve, in the sum of thirty thousand dollars, conditioned for the faithful and honest discharge of the duties required of him by this act, and for rendering a just and true account of all their proceedings at the next session of the legislature after the drawing of each of the said lotteries: And further, the said managers shall respectively, before they enter on the duties of their appointment, take and subscribe the following oath or affirmation before some magistrate competent to administer oaths, to wit: "I do solemnly swear (or affirm as the case may be) that I will well and faithfully execute the trust reposed in me as one of the managers of the lottery (or lotteries) established by law, without favor or partiality, and that I will not directly or indirectly authorise or permit the sale of any tickets in any such lottery in which sale or sales I, or any person at my

Their oath.

instance, or on my behalf, shall be directly or indirectly benefited or interested, or entitled to any profit or advantage whatever thereon :” which oath shall be filed in the office of the secretary of this state ; and if any manager of any such lottery as aforesaid shall violate his said oath, or ask, demand or receive, either directly or indirectly, contrary to the true intent and meaning of the said oath, any advance on the stated price of lottery tickets which such manager may sell or dispose of, under any pretence whatsoever, shall for each offence forfeit the sum of one thousand dollars, to be recovered in the name and to the use of any person who will sue for the same, with the costs of suit, in any court of record within this state, and shall besides be liable to suffer the pains and penalties of wilful and corrupt perjury, and shall moreover be answerable and liable to the people of this state for all neglects, defaults, misfeasances and other acts of such managers, or any or either of them, in any action or actions at common law as the case may require : *Provided*, That the provisions of this section shall not be so construed as to apply to the managers of lotteries already appointed, and who have before the passing of this act entered into bonds according to law.

Penalty for violating their oath.

III. *And be it further enacted*, That it shall not be lawful for any such manager as aforesaid, directly or indirectly, to contract for or be concerned with any company in contracting for any part or portion of the tickets of the said lottery of which he or they are managers.

They are prohibited from purchasing tickets.

IV. *And be it further enacted*, That each of the said managers shall, as often as he shall receive five hundred dollars from the sale of tickets, pay the same to the treasurer of this state, or to the bank of New-York, for the use of this state, and the receipt for the payment of money to the bank shall be immediately transmitted to the comptroller.

Monies how to be deposited.

V. *And be it further enacted*, That the said managers shall, for the space of sixty days after opening any lottery for sale, sell the tickets therein at the original price, but without giving any credit ; and the managers shall, at the expiration of the said sixty days, or within ten days thereafter, expose to sale at public auction in the city of New-York, the tickets remaining in their hands unsold, giving notice of such sale at least twice a week in at least three of the public newspapers published in the city of New-York, and in at least two published in the city of Albany ; and the said tickets to be so sold at auction shall be sold in parcels not exceeding fifty, and on credit, payable twenty days after the drawing of the lottery, with interest at the rate of three per cent per annum, and the said tickets shall not be sold for a less sum than the original price of such tickets ; and the securities to be taken for the payment of the said tickets so sold on credit shall be taken in the name of the managers present at the sale, and of the comptroller of this state, and be approved by the said comptroller and a majority of the said managers ; and it shall be the duty of all the managers and of the comptroller to attend at every such sale. and the said securities shall be placed for safe keeping and for collection, either in the bank of New-York, or in the New-York state bank, and when collected, the amounts shall be placed to the credit of the treasurer of

For 60 days after opening the lottery tickets to be sold at the original price

After that to be sold at auction, and on credit.

Security to be taken for the payment.

this state, and notice be given to the comptroller of the payment.

Treasurer to pay for prizes

VI. And be it further enacted, That within thirty days after the completion of the drawing of any lottery, the tickets of which shall have been sold in pursuance of the directions of this act, the treasurer shall, on the warrant of the comptroller, pay to the managers respectively such sum as shall appear to be the amount of the prizes drawn to the tickets signed by them respectively, and shall also pay on a like warrant, to the persons entitled thereto, the avails of such lottery, and the managers shall furnish the comptroller within twenty days after the drawing of any lottery with a statement, shewing the amount of prizes in such lottery payable by each manager.

Statement of prizes to be exhibited to the comptroller.

VII. And be it further enacted, That the managers shall, within ten days after the expiration of sixty days after the drawing of each lottery, exhibit to the comptroller a statement of the prizes signed by them respectively, remaining unpaid, and pay the amount of such prizes into the treasury of this state, and the said prizes shall thereafter be paid by the treasurer, on the warrant of the comptroller.

Comptroller directed to report managers for neglect of duty.

VIII. And be it further enacted, That whenever it shall appear satisfactorily to the comptroller, that any manager has not paid the monies arising from the sale of tickets agreeably to law, it shall be lawful, and it is hereby made the duty of the comptroller, to report the same to the governor of this state, who shall thereupon appoint some other person in the room of such delinquent, to perform the duties of a manager as aforesaid: and the comptroller shall forthwith, after discovery of such delinquencies, cause a suit or suits to be instituted against such delinquent manager, for the recovery of the sum received by him, as well as to account generally for his management.

Managers to be allowed 15 per cent on the sum raised.

IX. And be it further enacted, That on the final settlement of the accounts of the several lotteries hereafter to be drawn in this state, the comptroller shall allow fifteen per cent on the sum raised by each lottery to the said managers, in lieu of all compensation for services and expenses in conducting and drawing the same.

Copy of scheme to be transmitted to the comptroller.

X. And be it further enacted, That the managers, whenever they agree on the scheme of any lottery, and on the number of tickets which they are respectively to sign, shall transmit to the comptroller a copy of their scheme and an account of the number of tickets which they are to sign respectively.

CHAP. CXCIX.

An ACT to authorise the Sale of Lands appropriated for the Promotion of Literature.

Passed April 13, 1813.

Plan is approved for promotion of literature in the military tract directed to be sold.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office are hereby authorised and required to cause all the land heretofore appropriated for the promotion of literature in this state, and situate in the military tract, or in either of the counties of Chenango or Broome, and now remaining unsold or

not disposed of, to be surveyed and sold in the manner directed in and by the act entitled "an act for the sale of the unappropriated lands, and for other purposes," and to vest the proceeds in such manner as they may deem best calculated to secure the principal sum, and the regular payment of the interest thereon annually; and the regents of the university shall make such distribution of the annual income amongst the several incorporated academies of this state as in their judgment shall be just and equitable, taking into calculation all former or present endowments made by the legislature of this state, except lot number twenty-four, in the town of Ulysses, in the county of Seneca, lot number thirty-six, in the town of Aurelius, in the county of Cayuga, and lot number eighty-five, in the town of Homer, in the county of Cortland, which lots are hereby appropriated to the support of academies in each of the said respective counties in which the said lots severally lie, to be regulated in such manner as the legislature shall hereafter direct.

Proceeds here
to be vested.

II. *And be it further enacted*, That the commissioners of the land-office be and they are hereby authorised and required to grant by letters patent, to the trustees of Pompey academy, and their successors, in fee simple, lot number fifteen, in the township of Camillus, in the county of Onondaga, any law to the contrary notwithstanding.

Lot No. 15 in
Camillus to
be granted to
Pompey academy.

III. *And be it further enacted*, That it shall be the duty of the trustees of the aforesaid academy, whenever they shall sell the said lot, or any part thereof, to loan the money arising from such sale, on landed security to double the value of the sum so loaned, and on the payment of any such loan, again to reloan the same, for ever, and appropriate the interest arising from such loans for ever to the support and maintenance of instruction in said academy.

Duty of the
trustees relative
to said lot.

CHAP. CC.

An ACT to authorize the sale of the real Estate of George Klinck, deceased.

Passed April 13, 1813.

WHEREAS Archibald M'Intyre and Charles R. Webster, executors of the last will and testament of George Klinck, deceased, have presented their petition to the legislature, representing in substance, that the said George Klinck, by his last will and testament by him duly made and published, and executed in such manner as to pass real estate, thereby devised all his real and personal estate to the petitioners, who were appointed executors of the said will in trust for the maintenance and support of his wife and children out of the rents and profits of his said estate; and further representing that the rents and profits of the testator's said estate are wholly inadequate to enable them the petitioners to carry into effect the intention of the said testator, and to fulfil the trust specified in his said will; and further representing that the widow of the testator is infirm and entirely helpless, and that several of his children are infants, and praying that they the petitioners may be authorised by law, with the consent and under the direction of the chancellor of this

state, to sell and dispose of the whole or such part of the testator's said real estate as shall be necessary for the purpose of enabling them to fulfil the trust created by the said will, and to render the income of the said estate more productive : And whereas the prayer of the said petitioners appears to the legislature to be reasonable : Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Archibald M'Intyre and Charles R. Webster, the said executors of the said George Klinck, deceased, or the survivor of them, with the consent and under the direction of the chancellor of this state, to sell and dispose of the whole or such part or parts of the real estate whereof the said George Klinck died seised, as the chancellor may at any time or times authorize or direct, and that the monies arising from the sales thereof be placed out at interest or invested in public stocks, or otherwise secured, under the direction of the court of chancery, and the interest and income thereof, with so much and such parts of the principal as may be necessary for the purpose, shall and may be, from time to time, applied in and about the maintenance and support of the widow and children of the said George Klinck until a division or distribution of the said trust premises shall be made and take place according to the said trust : Provided, That in order to bar the dower of the widow of him the said George Klinck, deceased, in the real estate so to be sold and disposed of, her consent in writing thereto shall be first obtained : And provided further, That the said Archibald M'Intyre and Charles R. Webster, before they make any such sale, shall execute to and file with the register of the said court of chancery, a bond, with such surety and in such penalty as the chancellor may direct, with conditions thereunder written for the faithful performance of their duties under this act.

CHAP. CCI.

An ACT for the Relief of James Bradley and others.

Passed April 13, 1813.

200 acres to be granted to J. Bradley. I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to James Bradley, late a soldier in the line of this state in the army of the United States, in the same manner as has been granted to soldiers serving in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, to have and to hold the same to the said James Bradley, his heirs and assigns for ever.*

200 acres to the heirs of R. Waddle. II. *And be it further enacted, That it shall be lawful for, and the commissioners aforesaid are required to grant letters patent to William Waddle, Mary Hillequest, Margaret Boss, Isaac Waddle, Jane Kidney and Elsie Landers, children and heirs at law of Robert Waddle, deceased, late a soldier in the army of the United States, in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, as*

a compensation for the services of the said Robert Waddle during the revolutionary war, to hold the same as tenants in common to them and their heirs and assigns for ever.

III. *And be it further enacted*, That it shall be lawful for, and the commissioners aforesaid are required to grant letters patent to Jacob Crafts, late a soldier in the army of the United States, in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, to have and to hold the same to the said Jacob Crafts, his heirs and assigns in fee. 200 acres to J. Crafts.

IV. *And be it further enacted*, That the commissioners aforesaid be, and they are hereby required to grant letters patent to the heirs and legal representatives of James Downs, late a soldier in the line of this state, in the army of the United States, two hundred acres of land, in fee simple, in the tract set apart for the use of the line of this state, in full for the services of said James Downs. 200 acres to the heirs of J. Downs.

V. *And be it further enacted*, That the commissioners aforesaid be, and they are hereby required to grant, by letters patent, to the heirs and legal representatives of Isaiah Wool, deceased, late a captain in colonel Lamb's regiment in the line of this state, in the army of the United States, seven hundred and fifty acres of land, in fee simple, in the tract set apart for the use of the line of this state, in full compensation for the services of said Isaiah Wool. 750 acres to the heirs of I. Wool.

VI. *And be it further enacted*, That it shall be lawful for, and the commissioners aforesaid are hereby required to grant letters patent to James Thorne, Stephen Thorne, Polly Tyson, Eliza Bradley, Sally Thorne and John Thorne, children and heirs of Daniel Thorne, deceased, who was a soldier during the late war in Col. Lamb's regiment of artillery, for three hundred acres of land in the tract set apart for the use of the line of this state, in the army of the United States, in full compensation for the services of said Daniel Thorne, to have and to hold the same in fee simple, as tenants in common. 300 acres to the heirs of Daniel Thorne.

VII. *And be it further enacted*, That the commissioners aforesaid may, and they are hereby required to grant by letters patent to Henry Impson, late a soldier in the line of this state, in the army of the United States, two hundred acres of land in fee, in the tract set apart for the use of the line of this state, in full compensation for the services of the said Henry Impson. 200 acres to Henry Impson.

VIII. *And be it further enacted*, That the commissioners aforesaid shall, and they are hereby directed to grant in fee, by letters patent, to Magdelane Rynniss and John Springsteen, children and heirs of Hermanus Springsteen, deceased, late a soldier in Colonel Dubois' and Col. Van Cortlandt's regiments, in the line of this state, two hundred acres of land in the tract set apart for bounties to the officers and soldiers in the line of this state, serving in the army of the United States. 200 acres to the heirs of H. Springsteen.

IX. *And be it further enacted*, That the commissioners aforesaid grant letters patent to Daniel Reid, two hundred acres of land in fee simple, in the tract set apart for the use of the line of this state, in the army of the United States, in full compensation for his services as a soldier in said line during the late war with Great Britain. 200 acres to D. Reid.

see acres to
the heirs of
J. Weed.

X. *And be it further enacted*, That the commissioners aforesaid be authorized, and they are hereby required to grant by letter's patent, to the heirs and legal representatives of Jonathan Weed, deceased, late a soldier in Col. Marinus Willett's regiment during the revolutionary war, two hundred acres of land, in the tract set apart for the use of the line of this state, to have and to hold the same in fee, as tenants in common.

Whereas Robert Simons, a native of Great Britain, emigrated to this country before the American revolution, and in an early part of the war joined Col. Lamb's regiment, in the line of this state, and served therein until he was discharged at the close of the war, and has never gained any legal settlement in any part of this state or of the United States, and is now upwards of eighty years of age, and has a wife nearly seventy years of age, both of whom are unable to maintain themselves, and have no property or relatives who are bound by law to maintain them: And whereas the overseers of the poor of the town of Harpersfield have been at much expense in the maintenance of the said Robert Simons and his wife: Therefore,

Treasurer to
pay 180 doll.
to the over-
seers of the
poor of Har-
persfield.

XI. *Be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the overseers of the poor of the town of Harpersfield, the sum of one hundred and eighty dollars, being the amount paid by them to the overseers of the poor of the town of Aurelius, pursuant to an order of the court of general sessions of the peace of the county of Delaware, on an appeal from an order of removal of the said Robert Simons and his wife from the said town of Harpersfield to the said town of Aurelius, in the year one thousand eight hundred and eleven.

CHAP. CCII.

An ACT to repeal the acts and parts of acts therein mentioned.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the twelfth and sixteenth sections of the act entitled "an act concerning the commissioners of the land-office, and the settlement of lands," passed the twenty-fourth day of March, one thousand eight hundred and one, and the fourth section of the act entitled "an act relative to certain quit rents and for other purposes," passed the seventh day of April, one thousand eight hundred and six, and all acts and parts of acts heretofore passed by the legislature of this state which come within the purview or operation of any of the acts passed during the present session of the legislature, commonly called the revised acts, shall be and the same are hereby repealed from and after the first day of December next: *Provided however*, That such repeal shall not affect any act done, right accrued or established, proceedings had, suit or prosecution commenced, or penalty, forfeiture, offence or crime incurred or committed previous to the said first day of December next, but every such act, proceeding and right shall remain as valid, and every such suit or prosecution may lawfully proceed, and every such penalty, offence or crime be demanded, prosecuted, recovered or punished, as the case may be, as if all the

acts and parts of acts hereby intended to be repealed had remained in full force : *Provided*, That nothing in the said revised acts contained shall be so construed as to require the appointment of any officer in pursuance of the said acts, unless the office shall become vacant : *And provided also*, That all acts and parts of acts which were repealed by any act hereby intended to be repealed, and which have not been re-enacted during the present session, shall continue to be so repealed : *And provided further*, That the said acts passed during the present session of the legislature, commonly called the revised acts, shall not take effect, or be in force until the said first day of December next, any thing in the said acts contained to the contrary notwithstanding : *And provided further*, That the "act concerning the commissioners of the land-office, and the sale of the unappropriated lands," the act to facilitate the discovery and sale of the estates of attainted persons, the act concerning deeds, the act concerning the school fund, the act concerning the fees of the several officers and ministers of justice within this state, the act concerning the courts of common pleas and general sessions of the peace in the several counties of this state, "an act for the partition of lands," "an act to provide against infectious and pestilential diseases," "an act to reduce several laws relating particularly to the city of New-York into one act," an act for the assessment and collection of taxes," "an act for the support of government," "an act concerning costs," "an act relative to district attornies," "an act relative to the city of Hudson," "an act to divide this state into counties," "an act to regulate sales by public auction and to prevent stock jobbing," "an act relating to the city of Schenectady," "an act relative to the city of Albany," and the act for regulating elections, passed at the present session, shall be and continue in full force, any thing in this act contained to the contrary notwithstanding.

CHAP. CCIII.

An ACT for the Payment of certain Officers of Government, and for other purposes.

Passed April 13, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the treasurer shall pay, on the warrant of the comptroller, to such of the reverend clergy as shall have attended the legislature as chaplains during the present session, the sum of two dollars and fifty cents for every day they have so attended, which sums shall be certified by the president of the senate or speaker of the assembly.

Compensation of the chaplains attending the legislature.

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Sebastian Visscher, clerk of the senate, twenty-five dollars for making an index to the journal of the senate, and to James Van Ingen, clerk of the assembly, for making an index to the journal of the house of assembly, fifty dollars, together with the like allowance to the clerk of the assembly for an additional assistant clerk during the present session as was allowed for an additional assistant clerk at the last session.

Of the clerk of the senate and assembly for index to journals.

Additional allowance to treasurer's clerk.

III. *And be it further enacted*, That the clerk to the treasurer of this state shall be allowed, in addition to the salary allowed him in and by the act for the support of government, two hundred dollars per annum.

Rent and tax of the Governor's house to be paid.

IV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay the rent and taxes of the house occupied by his excellency the governor.

His allowance for incidental expenses.

V. *And be it further enacted*, That the treasurer shall on the warrant of the comptroller, pay to the person administering the government of this state to defray the incidental expenses of administering the government, a sum or sums not exceeding one thousand five hundred dollars.

Postage of comptroller's official letters to be paid.

VI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to George W. Mancius the amount of his account for the postage of the comptroller's official letters.

Proviso of an act relative to the sale of public property in New-York repealed.

VII. *And be it further enacted*, That the proviso to the enacting clause of the act entitled "an act to authorise the sale of certain public property in the city of New-York," passed 26th of May, 1812, be and the same is hereby repealed, and that if the mayor, aldermen and commonalty of the city of New-York shall not, by the first day of November next, purchase the government house and lands adjoining, then the authority given to the comptroller in and by said act to sell the said house and land shall cease.

Allowance to be made to B. V. Clench.

VIII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to Benjamin V. Clench such sum as the comptroller shall deem a reasonable compensation for his services in the month of December last as auctioneer for the comptroller in selling lands for arrears of taxes.

Secretary to be allowed expenses for printing and transmitting election law.

IX. *And be it further enacted*, That the expenses incurred by the secretary of this state for printing and transmitting to the several county clerks in this state the act entitled "an act to regulate elections," passed the 29th day of March last, agreeably to the directions of the concurrent resolution of the senate and assembly of the thirtieth day of March last, shall be paid by the treasurer, on the warrant of the comptroller.

Surveyor general to be allowed certain expenses incurred.

X. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the surveyor-general the amount of his account of expenses in exploring the Scawycs rapids and Seneca falls, pursuant to concurrent resolutions of the senate and assembly of the 21st day of March, 1812.

State prison agent to be paid a sum not exceeding 15,000 dollars.

XI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the agent of the state prison a sum not exceeding fifteen thousand dollars, in such sum or sums and at such time or times as the inspectors may require, for the support of the institution.

Surveyor general's salary to be 2000 dollars yearly.

XII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to Simeon De Witt, surveyor-general of this state, for his salary from the first day of July last until the seventeenth day of February last, at and after the rate of two thousand dollars per annum.

Strafford return of taxes for 1812 how to be made.

XIII. *And be it further enacted*, That the comptroller is hereby authorised to amend, according to the original tax list, the return of unpaid taxes of the town of Strafford, in the county of

Montgomery, for the year one thousand eight hundred and eleven, and when so amended it shall in all respects have the same effect as if it had been correct when returned.

XIV. *And be it further enacted*, That it shall be lawful for the attorney-general to convey to Richard Duncan the right, title and interest of the people of this state in and to a certain lot of land in the Royal Grant heretofore sold by the attorney-general under a mortgage to the said people, and purchased in by him for and on behalf of said people, whenever the said Richard Duncan shall have first paid the interest due to this state on the debt which the said mortgage was intended to secure, and shall give and execute his bond for the payment of the principal of the said debt in five equal annual instalments, with interest annually, and shall also secure the payment thereof by a mortgage on land to the satisfaction of the attorney-general, provided the said interest shall be so paid, and the said securities be executed on or before the first day of July next.

R. Duncan to receive a conveyance of a certain lot in the Royal Grant.

XV. *And be it further enacted*, That it shall be lawful for the comptroller to pay the rent in arrear and extinguish the ground rent reserved on the arsenal lot in the town of Colonie and county of Albany, and to draw his warrant on the treasurer for the sum which may be necessary for the purposes aforesaid.

Rent in arrear, &c. on the arsenal lot to be paid.

XVI. *And be it further enacted*, That it shall be lawful for Sylvanus Smally and Zebulon Douglass, commissioners appointed by law to build a bridge across the Oneida creek, in the town of Lenox, in the county of Madison, to take the timber necessary for building the said bridge from any of the land belonging to the people of this state.

Timber may be taken from state lands to build a bridge across Oneida creek.

XVII. *And be it further enacted*, That it shall not be lawful to deposit powder in the public arsenal, situate in the town of Colonie, in the county of Albany, and that if any powder shall be deposited in the said arsenal, it shall be the duty of the superintendent thereof to remove the same without delay after he shall receive notice thereof, and in case of his default he shall incur the penalty of one hundred dollars, to be recovered by an action of debt with costs, in the name of any person who will sue for the same, the one half to be for his own use and the other for the use of the overseers of the poor of the said town.

Penalty for keeping powder in the arsenal in the town of Colonie.

Whereas Alexander Don, son and one of the heirs of William Don, late of the city of Albany, deceased, and Janet Don, widow and relict of the said William Don, for herself, and as guardian for the remaining four children of the said William, have by their petition represented to the legislature that the said William did in his life-time purchase lots number one hundred and thirteen and one hundred and twenty-five in the late Oneida reservation, and received of the surveyor-general certificates of said purchase; that a part of the purchase money, with the interest, is still due to the people of this state, which they are unable to pay, and that valuable improvements have been made on said lots: Therefore,

XVIII. *Be it further enacted*, That it shall be lawful for the surveyor-general to sell said lots number one hundred and thirteen and one hundred and twenty-five, in the manner unappropriated lands are required to be sold, and in case said lots

Heirs of W. Don relieved.

shall be sold for more than shall be then due to the people of this state for the same, such surplus shall be paid to the legal representatives of said William Don, deceased, provided said lots shall not be sold for a less sum than shall be then due for them respectively: And provided said legal representatives shall neglect to fulfil the conditions of the sale to said William Don, as required by the act entitled "an act for the sale of unappropriated lands and for other purposes," passed April 6th, 1803, previous to such sale.

Gaol liberties in Warren county to be designated.

XIX. *And be it further enacted*, That the court of common pleas in and for the county of Warren shall, and they are hereby authorised at any term of the said court, or any three of the judges of the said court out of term, to appoint gaol liberties at the place designated by the act entitled "an act to divide the county of Washington, and for other purposes," for holding the courts of common pleas and general sessions of the peace in and for the said county of Warren.

Prisoners to be allowed to go at large in the same.

XX. *And be it further enacted*, That it shall be the duty of the sheriff of said county to permit any prisoner who shall be in his custody to go at large within the limits of the liberties so appointed, under the same provisions which are contained in the act entitled "an act relative to gaols."

First court when to be held.

XXI. *And be it further enacted*, That the first court of common pleas in and for the county of Warren shall begin on the second Tuesday of May next, and may continue to be held until the Saturday following inclusive, any thing in the act entitled "an act to divide the county of Washington, and for other purposes," contained to the contrary notwithstanding.

New list of jurors to be made for the city and county of Albany.

XXII. *And be it further enacted*, That the supervisors and assessors of the city and several towns in the county of Albany shall be and hereby are required to return an accurate list of the names of the several persons residing within the said city and towns who are by law qualified and liable to serve as jurors for the trial of issues joined in the supreme court of judicature of this state, and the court of common pleas for the said county, into the office of the clerk of the said county, on or before the first day of August next, and that after such return shall be made it shall be the duty of the clerk of the said county to destroy the old ballots in the jury box in his office, and cause the names of the persons so as aforesaid to be returned, with their places of abode, and additions, to be written on separate slips of paper and put into the box out of which the names of the jurors are next to be drawn.

Prisoners to be removed to the new gaol when finished.

XXIII. *And be it further enacted*, That as soon as the new gaol for the city and county of Albany shall be ready for the reception and confinement of prisoners, it shall be lawful for the sheriff of the said city and county to remove his prisoners into the said gaol, and thenceforth the same shall be the gaol of the city and county of Albany, and such removal of the prisoners as aforesaid shall in no wise be deemed an escape: *And further*, it shall be lawful for the now next ensuing or any subsequent court of common pleas for the said county to establish and designate the liberties of the said new gaol, which when so established and designated shall be the liberties of the said gaol, and the present liberties of the old gaol shall be abolished

And gaol liberties to be designated.

from and after the removal of the prisoners aforesaid into the said new gaol.

XXIV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the president, directors and company of the Highland turnpike, the sum of five thousand dollars in addition to the sum heretofore granted, to be laid out by them in building a bridge over Croton river, on the post road leading from the city of New-York to the city of Albany, and to be paid when the said bridge shall be completed: *And further*, That so much of the fifty-eighth section of the act entitled "an act for the payment of certain officers of government, and for other purposes," passed June 19th, 1812, as inhibits the directors and company of the said turnpike road from receiving any toll for crossing the said bridge, be and the same is hereby repealed, and that the toll which may be received for crossing the said bridge shall be laid out and expended in repairs of the said bridge, and in or towards the completing and keeping in repair the said turnpike road between the said bridge and Fishkill.

Treasurer to pay 5000 dollars to the Highland turnpike company.

Toll may be taken for crossing the bridge on Croton river.

XXV. *And be it further enacted*, That all suits or actions on any bond executed by any constable and his sureties for the faithful performance of the duty of his office, shall be prosecuted within two years after the expiration of the year for which such constable shall be elected.

Suits on constables bonds how to be prosecuted.

XXVI. *And be it further enacted*, That it shall be the duty of the surveyor-general forthwith to publish a notice in the newspaper published by the printer to this state, and in three of the newspapers published in the Western district of this state, for six weeks in succession, that the tract of land called the Stedman farm, on the Niagara river, is to be leased for the term of one year from a day to be mentioned in such notice, to the person who shall before such day offer to accept of such lease on the terms which in the opinion of the surveyor-general shall be the most advantageous to this state; and the surveyor-general is authorised to execute such lease on the part of this state, and to insert in the counterpart of such lease to be executed by the lessee such covenants as he shall deem proper, and exact such security from the lessee for the performance of the covenants contained in such lease as he shall deem proper and necessary.

Surveyor-general to publish a notice relative to leasing the Stedman farm.

XXVII. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office to direct the surveyor-general to sell in parcels exceeding the quantity of two hundred acres, such of the unappropriated lands as they shall judge not saleable to advantage in separate lots or parcels of that quantity, any thing in the act entitled "an act concerning the commissioners of the land-office and the sale of the unappropriated lands," to the contrary notwithstanding.

May sell part of the unappropriated lands in lots exceeding 200 acres.

XXVIII. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the city of Albany shall and may, by virtue of their respective offices, be members of the Albany Lancaster school society, any law to the contrary notwithstanding.

Corporation of Albany ex officio members of the Lancaster school society

XXIX. *And be it further enacted*, That the provisions of the act entitled "an act concerning slaves and servants," relative to

Act relative to slaves and servants amended.

the importation and exportation of slaves, shall not be construed to extend to cases where persons residing within and near the boundary line of this state and owning and occupying land over the said line in a neighboring state, shall bring such slaves into or take them out of this state for the purpose of cultivating the land which he may so own and occupy in either state.

Treasurer to
pay R. Ma-
comb a bal-
ance due him

XXX. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to Robert Macomb the balance which may be due on his account for services as clerk of the courts of oyer and terminer and general gaol delivery and general sessions of the peace, in and for the city and county of New-York, as the same shall be audited and allowed by the court of exchequer.

Taxes how
to be paid
where farms
are intersect-
ed by town
lines.

XXXI. *And be it further enacted*, That where any line of division between any two towns in this state shall intersect any farm or dwelling house, all the taxes on such farm shall be levied upon and paid by the owner or possessor in the town where his dwelling house or the greater part thereof shall be, any thing in the act entitled "an act for the assessment and collection of taxes," to the contrary notwithstanding.

Additional
allowance to
the adjutant-
general.

XXXII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the adjutant-general of this state the sum of four hundred and fifty dollars, as an additional compensation for his services for one year, to commence on the first day of March last, payable quarter yearly.

Taxes paid
by mistake to
be refunded.

XXXIII. *And be it further enacted*, That in all cases where ever a tax has been or shall be paid into the treasury of this state by mistake, or which by law the state had no right to receive, it shall be the duty of the treasurer, and he is hereby authorised, on the warrant of the comptroller, to refund the same to the party aggrieved, or to his representative, any law to the contrary notwithstanding.

when a sher-
riff sells land
under execu-
tion and dies
before sign-
ing a deed, it
may be done
by his execu-
tor.

XXXIV. *And be it further enacted*, That whenever any sheriff of any county of this state has made or shall make sale of any lands, tenements or hereditaments under and by virtue of any execution to him directed and delivered, and has died or shall die before signing and executing the deed of sale and conveyance, it shall and may be lawful for the executors or administrators of such deceased sheriff to make and execute a deed of conveyance to the purchaser in the same manner as the said deceased sheriff might or could have done had he remained alive, any law to the contrary notwithstanding.

Secretary di-
rected to
procure cer-
tain volumes
of reports.

XXXV. *And be it further enacted*, That it shall be and hereby is made the duty of the secretary of this state, to furnish, at the expense of this state, one copy of the reports of the supreme court and court of errors of this state for the use of each of the courts of common pleas in the several counties of this state not already provided for in the act entitled "an act to authorise the supreme court to appoint a reporter," and the treasurer shall, on the warrant of the comptroller, pay the amount paid by the secretary.

Whereas it appears by the report of the surveyor-general that the undivided twelfth part of a gore of land between the bounds of Hosick and the partition line of the patent of Pittstown was forfeited by the attainder of Robert Leake, and the

same was on behalf of the state sold at public auction to Josiah Masters for the consideration of eight hundred and twenty dollars, which sum has been duly paid by him into the treasury, and that afterwards other documents were discovered on which the attorney-general certified that instead of the said undivided twelfth part of the part of said gore of land forfeited as aforesaid was the undivided half part of the lands in said gore lying respectively opposite to lots number one hundred and seventy-five and forty-three, in the patent of Pittstown, and extending from said lots to the bounds of the patent of Hosick, by reason whereof the surveyor-general could not give a conveyance of the premises: Therefore,

XXXVI. *Be it further enacted*, That the treasurer pay, on the warrant of comptroller, to the said Josiah Masters, the sum of nine hundred and forty-nine dollars in lieu of the lands so as aforesaid sold to him, and in full satisfaction of the money so by him paid into the treasury as aforesaid.

Treasurer to pay 949 dolls. to J. Masters.

XXXVII. *And be it further enacted*, That a sum not exceeding twenty-two thousand dollars be and hereby is appropriated for the purpose of erecting a redoubt or protecting work on Signal Hill, near the Narrows on Staten-Island.

A redoubt to be erected on Signal Hill.

XXXVIII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Ezra Ames, for a full length portrait of Gen. George Washington, such sum of money as shall be allowed therefor by the committee authorised by a concurrent resolution of the senate and assembly, passed April 2, 1813, to purchase the same, which portrait shall be placed in the assembly chamber in such manner and with such embellishments as the secretary of state, the comptroller and surveyor-general shall direct.

Portrait of G. Washington to be purchased of E. Ames

XXXIX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Henry Starring, junior, the sum of seventy dollars, in full for his expenses for conveying prisoners sentenced to the state-prison from the county of Herkimer to the county of Westchester, where they effected their escape.

70 dolls. to be paid to Henry Starring, Jr.

XL. *And be it further enacted*, That it shall be lawful, and it is hereby made the duty of the treasurers of the counties of Ontario and Genesee, that out of the first monies they may receive for arrears of taxes due said counties from the treasurer of this state, they shall then severally pay to Hugh M'Nair, Joseph W. Lawrence and John H. Jones, the sum of two thousand dollars for the use and purpose of building a bridge over the Genesee river, between the towns of Genesee and Lincester, at or near the ferry now kept by Peter Bebee, and that it shall be the duty of the said Hugh M'Nair, Joseph W. Lawrence and John H. Jones to give a bond to the said treasurers to the amount of five thousand dollars for the faithful discharge of their duty as commissioners to build said bridge, and when said bridge is completed, they shall then settle and account with the respective boards of supervisors of the said counties of Ontario and Genesee for the trust hereby reposed in them.

Treasurers of Ontario and Genesee to pay certain monies to build a bridge over Genesee river.

XLI. *And be it further enacted*, That no one of the deputies or assistants of the superintendent of the salt-springs shall hereafter be directly or indirectly concerned in any salt-works

Deputies of sup't. of salt springs prohibited from being concerned in salt works.

(except by evaporation otherwise than by fire) and the said superintendent shall appoint in each of the three villages in which salt is or shall be manufactured under his superintendence, an assistant deputy to act only in case of the absence of such deputy, one of whom shall attend constantly at some known office of inspection to be established and pointed out as such by a suitable sign placed in a conspicuous place, from the rising to the setting of the sun on each day of the week, Sabbath excepted, for the purpose of inspecting all salt sold in said villages, and receiving the duties thereon.

Surveyor-general directed to settle with T. Mounsey for arrears of rent on the public lot in the Colonie.

XLII. *And be it further enacted,* That it shall be lawful for the surveyor-general to settle with Thomas Mounsey for the arrears of rent due on the lease given by the surveyor-general on behalf of this state to the said Thomas Mounsey, of part of the public lot situate in the town of Colonie, in the county of Albany, and to deduct therefrom such sum of money as the surveyor-general shall deem reasonable to be allowed to the said Thomas Mounsey for the value of permanent improvements by him erected and left on the demised premises at the expiration of the said lease beyond the stipulations contained in said lease, and upon payment of the balance of the said rent, with the costs accrued thereon, to give the said Thomas Mounsey a full discharge of the said rent.

A wall to be built on the east side of the lot on which the public offices stand in Albany.

XLIII. *And be it further enacted,* That the secretary, the attorney-general, the surveyor-general and the treasurer of this state be and they are hereby authorised to cause to be erected a good and substantial wall on the east side of the lot in the city of Albany on which the building in which the public offices are kept is erected, and to make such other necessary erections and repairs on and about said lot as to them shall appear proper, and that the treasurer, on the warrant of the comptroller, shall pay the expense of such erections and repairs: And further, that the said public building shall hereafter be known by the name of the State Hall.

State Hall.

50 dolls. to be paid to James Fairlie.

XLIV. *And be it further enacted,* That the treasurer of this state be and is hereby authorised to pay, upon the warrant of the comptroller, to James Fairlie, the clerk of the supreme court residing in the city of New-York, the sum of eighty-nine dollars and fifty four cents, being the balance due to him for monies expended by him in pursuance of the act entitled "an act to provide for the due preservation of the records and papers in the office of the clerk of the supreme court in the city of New-York," over and above the sum by the said act appropriated for the purposes therein mentioned.

goodolles each to be paid to W. P. Van Ness and J. Woodworth.

XLV. *And be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to William P. Van Ness and John Woodworth, esquires, out of any monies in the treasury, each five hundred dollars, in full for the performance of the services required of them by the act entitled "an act making provision for the revision of the laws of this state," passed April 4, 1811.

They are to be allowed for clerk hire

XLVI. *And be it further enacted,* That the comptroller is hereby authorised to audit the accounts of such clerks as may have been employed by the said William P. Van Ness and John Woodworth in copying and engrossing the revised laws, and

for stationary, and for their services, in auditing whereof the comptroller shall allow such sum for every folio copied or engrossed by such clerks containing seventy-two words as the said William P. Van Ness and John Woodworth shall certify to be reasonable, and the treasurer, on the warrant of the comptroller, is hereby directed to pay the same out of any monies in the treasury.

XLVII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to such person as the secretary of state, the comptroller and the surveyor-general shall direct, such sum as shall be by them allowed for a full length portrait of the late George Clinton, which they are hereby authorised to purchase for the senate chamber, with such embellishments as they shall think proper.

Portrait of G. Clinton to be purchased.

XLVIII. *And be it further enacted*, That it shall be lawful for the president, directors and company of the Union turnpike road to take at each gate upon their road, upon every one horse pleasure waggon, six and one quarter cents, for passing said gate, any thing in their act of incorporation to the contrary notwithstanding.

Union turnpike company allowed to take additional toll.

XLIX. *And be it further enacted*, That nothing in the first section of the act entitled "an act for the relief of debtors from the imprisonment of their persons," shall be deemed or construed to extend to imprisonment of plaintiff, or lessors of the plaintiff for costs only, in any suit hereafter to be brought.

First section of the act for the relief of debtors, &c. amended.

L. *And be it further enacted*, That in all executions to be issued on judgments hereafter to be recovered upon contracts, it shall be lawful to direct the collection of the interest on the said judgment from the time of recovering the same until paid.

Interest to accrue on judgments on contracts from the time of recovery.

LI. *And be it further enacted*, That the comptroller is hereby required to postpone the sale of the lands for the tax laid in pursuance of the act entitled "an act to amend an act entitled "an act supplementary to an act for improving the road from Chester to Canton," passed the 15th June, 1812, and advertised to be sold on the first Monday of May next, until the first Monday which will be in the month of April next, and that he shall forthwith give notice of such postponement in the newspapers in which the said lands are advertised for sale, and continue such notice once a week for three weeks successively; and it shall not be necessary to continue the publication of the said advertisement nor of the said notice of postponement, beyond the times by this and the said act required, but that he shall give notice in the said newspapers once a week for six weeks successively, immediately preceding the said first Monday of April next, that such of the lands that remain charged with the said tax, and that were so as aforesaid advertised to be sold on the said first Monday of May, will be sold on the said first Monday of April, as will be necessary to pay the said tax, and the charges of advertising and of sale.

Comptroller directed to postpone certain sales.

And give notice of such postponement.

LII. *And be it further enacted*, That the treasurer on the warrant of the comptroller, shall pay to John Richards, out of the proceeds of the tax raised in pursuance of the act entitled "an act to amend an act entitled an act supplementary to an act for the improving the road from Chester to Canton," passed the 15th June, 1812, fifty-two dollars and eleven cents, in addi-

52 dolls. and 11 cts. to be paid to John Richards.

tion to the compensation allowed him in and by said act, in full for his services as assessor under that act and the act amended by the same.

Affirmment
made by him
in June last
rendered va-
lid.

LIII. And be it further enacted, That the assessment made by the said John Richards in the month of June last, shall be as valid as if the same had been made in the month of May last, any thing in the act entitled "an act to amend an act entitled an act supplementary to an act for the improving the road from Chester to Canton," passed the 15th June, 1812, to the contrary notwithstanding.

50 dolls. to be
paid to H. C.
Southwick.

LIV. And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay to Henry C. Southwick, fifty dollars for stitching five thousand copies of the report to the legislature of the commissioners for taking into consideration all matters relating to the improvement of the internal navigation of this state.

CHAP. CCIV.

An ACT concerning the execution of Writs ad quod damnum.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That in all cases in which a writ ad quod damnum is to be executed to ascertain the damages of any person whose lands may be taken for the use of the United States, it shall be lawful for the chancellor, when in his opinion a fair and impartial assessment cannot be had by a jury of the county in which the lands are situate, to order a struck or foreign jury for the execution of such writ.

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-SEVENTH SESSION
OF THE
LEGISLATURE,

**BEGUN AND HELD AT THE CITY OF ALBANY, THE TWENTY-
FIFTH DAY OF JANUARY, 1814.**

WITH REFERENCES AND EXPLANATORY NOTES;
*And also, in an abridged form, such of the Reports and Documents laid before
the Legislature as are of public concern. The whole to be
accompanied by a copious Index.*



ALBANY:
PRINTED BY H. C. SOUTHWICK.

1814.

District of New-York, ss.

BE it remembered, that on the first day of May, in the thirty-eighth year of the Independence of the United States of America, H. C. SOUTHWICK, of the said District, has deposited in this office the title of a Book, the right whereof he claims as proprietor, in the words following, to wit :

" LAWS OF THE STATE OF NEW-YORK, passed at the thirty-seventh session of the Legislature, begun and held at the city of Albany, the twenty-fifth day of January, 1814. With references and explanatory notes, and also, in an abridged form, such of the reports and documents laid before the Legislature as are of public concern. The whole to be accompanied by a copious Index."

In conformity to the act of the Congress of the United States, entitled " An act for the encouragement of Learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the time therein mentioned." And also to an act, entitled " An act for the encouragement of Learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

THERON RUDD, Clerk
of the District of New-York.

INTRODUCTION.

THE *Abbreviations and References* adopted in the Revised Laws of 1813, will be continued in the Laws of each Session, with this additional reference, that V. N. & W. will denote the present Revised Laws—as for example: V. N. & W. v. 2. 217. § 10. refers to *Van Ness & Woodworth's* Revision, volume 2, page 217, section 10.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE THIRTY-SEVENTH SESSION OF
THE LEGISLATURE, BEGUN AND HELD AT THE
CITY OF ALBANY, JANUARY 25, 1814.

CHAP. I.

An ACT to alter the name of the Corporation of Trinity Church in New-York, and for other purposes.

Passed January 25, 1814.

WHEREAS at the time of passing the act entitled, "An Act for making such alterations in the charter of the corporation of Trinity Church, as to render it more conformable to the constitution of the State," and for some years afterwards, the said corporation, although possessing several places of public worship besides Trinity Church, was the only incorporated religious society in the city of New-York, in communion of the Protestant Episcopal Church in this State, but several other religious societies of the same denomination have since been formed in the said city and duly incorporated. *Recital.* And whereas, by an act passed the tenth day of March in the year of our Lord one thousand seven hundred and eighty-eight, the said corporation of Trinity Church was enabled to take and use the name of "The Rector and Inhabitants of the city of New-York in communion of the Protestant Episcopal Church in the state of New-York," which name the said corporation by their petition to the Legislature pray may be altered as having now become improper, and that such further legislative provisions may be made as to remove all doubts respecting their charter rights, occasioned by the formation of other religious societies, in the said city of New-York; Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the said corporation of Trinity Church, instead of their present name, shall take and use the name of "The Rector, Church Wardens and Vestrymen of Trinity Church in the city of New-York." *Corporate Name.*

II. *And be it further enacted,* That all male persons of full age, who for the space of one year, preceding any election, shall have been members of the congregation of Trinity Church aforesaid, or of any of the chapels belonging to the same, and forming part of the same religious corporation, and who shall hold, occupy or enjoy a pew or seat in Trinity Church, or in any of the said chapels, or have partaken of the holy communion therein, within *Persons qualified to vote.*

the said year, and no other persons, shall be entitled to vote at the annual elections, for the Church Wardens and Vestrymen of the said corporation.

Corporation may grant lands to other Corporations.

III. *And be it further enacted*, That all grants and conveyances heretofore made or that hereafter may be made by the said corporation of Trinity Church of any of their lands, tenements, and hereditaments to any other religious society now incorporated, or that may hereafter be duly incorporated, shall be and the same are hereby declared to be valid and effectual according to the tenor thereof, *Provided* the annual value of such lands, tenements, and hereditaments at the time of such grant or conveyance together with the other estate real and personal of such other religious corporations shall not exceed the annual sum which they are or may be respectively entitled to hold. *And whereas*, Saint George's Church in the city of New-York, formerly called Saint George's Chapel, was one of the chapels heretofore belonging to the corporation of Trinity Church, and the pew holders in the said chapel and others qualified according to the charter of Trinity Church, and the laws of the State, were corporators of the said corporation of Trinity Church. *And whereas*, by mutual agreement and consent the said chapel called Saint George's Chapel with such of the corporators of the corporation of Trinity Church as belonged thereto or steadily worshipped in the said chapel, have been set off and organized as a distinct religious society, and have incorporated themselves as such under the name of the Rector, Church Wardens and Vestrymen, of Saint George's Church, in the city of New-York, and the corporation of Trinity Church have granted to or vested in the said newly incorporated religious society the exclusive right to the said chapel with the appurtenances, and which are now enjoyed accordingly, but doubts are entertained as to the legal validity of the said transaction: Therefore,

Previous.

Recital

St. George's Church declared a separate Church from Trinity Church.

IV. *Be it further enacted*, That the separation of Saint George's Chapel in the city of New-York, from the corporation of Trinity Church shall be and hereby is confirmed, and that the said Church now called Saint George's Church, shall not at any time hereafter, be held or taken to be, a church or chapel belonging to Trinity Church, so as to qualify any of the congregation thereof to vote at the elections of Church Wardens and Vestrymen of Trinity Church above mentioned, and the said religious society called the Rector, Church Wardens and Vestrymen of Saint George's Church in the city of New-York, shall have a right to all the temporalities derived from the corporation of Trinity Church as aforesaid; and may enjoy the same in as full and beneficial manner as any such religious corporation can hold and enjoy its temporalities, howsoever the same may be acquired.

And to possess its separate estate.

Corporation may set apart other Churches, &c.

V. *And be it further enacted*, That when and as often as it shall seem expedient to the said Rector, Church Wardens and Vestrymen of Trinity Church in the city of New-York to divide the congregation or corporators belonging to the said corporation, it shall be lawful for them so to do, by setting apart as a separate church any of the churches or chapels that may belong to and form part of the said corporation, *Provided* the same be done with the assent of a majority of the persons entitled to vote as afore-

Previous.

said who shall belong to such church or chapel intended to be set apart and who shall attend a meeting to consider of such separation after at least ten days notice previously given for that purpose in the said church or chapel, during or immediately after divine service. And such separation so assented to, shall take effect according to the terms agreed upon between the parties, and the members of the congregation of such church or chapel so separated shall immediately thereafter cease to be members of the corporation of Trinity Church above mentioned, and may proceed to incorporate themselves according to law as a separate congregation of the said Protestant Episcopal Church, and being so incorporated may receive from the said corporation of Trinity Church any grant, conveyance or gift of any chapel or other real or personal estate for its separate use, and may hold and enjoy the same accordingly, as fully and beneficially as any such religious corporation can hold and enjoy its temporalities, howsoever the same may be acquired,

VI. *And be it further enacted*, That in every case where a church or religious society which has been or may be duly incorporated shall have exhibited such account and inventory as is specified in the ninth section of the act entitled, "An Act to provide for the incorporation of religious societies," it shall not be necessary for such church or society again to exhibit any account and inventory unless the said church or society subsequently to such exhibition shall have purchased or acquired any lands, tenements or hereditaments within this state, any act, law or usage to the contrary notwithstanding, *Provided always*, that nothing in this act contained, shall be construed to affect, or defeat the right of any person or persons or of any body corporate to the estate real or personal now held, occupied or enjoyed by the corporation of Trinity Church.

No religious society bound to file an inventory unless they acquire additional property. K. & R. v. 1. 342. § 9. V.N. & W.v. 317. §. 10.

[*Note.*—This act passed the Senate on the 25th March, 1813, by 21 votes to 9, and the Assembly on the 2d April; 1813, by 66 votes to 23—It was transmitted to the Council of Revision at that session, where it remained without any decision on it, until the first day of the session of 1814 [Jan. 25th, 1814.] when no objections being returned by the council, it became, by the constitution, a law of this state and as such is filed in the secretary's office.—The bill before the council of revision had been referred to Chancellor Lansing, who had reported objections to its becoming a law, and on the question being taken in the council thereon, Jan. 25, 1814, the council were equally divided.—The Governor, Mr. Justice Spencer, and Mr. Justice Yates being in favor of the objections, and Chancellor Lansing, Chief Justice Kent, and Mr. Justice Van Ness against the objections [Mr. Justice Thompson being absent]—consequently no objections could be returned by the council to the bill and it became a law as before stated.—Possessors of the new revised laws, would do well to note in Vol. 2, page 217, §. 10, that a material alteration has been made in that section, by the last section of this law, which though it speaks of the 9th section of the act "To provide for the incorporation of religious societies," *vide* K. & R. v. 1. 342, yet in fact applies to the 10th section of the revised act of April 5, 1813, which has a similar title and incorporates the 9th section of the former act.—This results from the fact that the revised act was passed subsequent to the law under consideration; having been sent to the council of revision.—The merits of this bill, were ably discussed and considered in a pamphlet published by Robert Troup, Esq. one of the vestry of Trinity Church, about the time the bill was before the council of revision.]

LAWS OF NEW-YORK:

CHAP. II.

An ACT relative to the time for holding the circuit courts and courts of oyer and terminer in and for the county of Albany.

Passed February 4, 1814.

Circuit Courts
&c. when to
be held in Al-
bany. V. N. &
W. v. 1. 335.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, That hereafter there shall be held in the county of Albany, two Circuit Courts in each year at least, one of which shall commence on the second Tuesday of April, and the other on the first Tuesday of October, *Provided nevertheless,* that the Justices of the Supreme Court shall have power, as occasion may require, during any term of the said court to alter the times above appointed for such circuits to any other days in the months of April and October, so that the same be done two terms at least previous to the circuit intended to be altered.

[*Note.*—The revised act of April 5, 1813, concerning the Circuit Courts, &c. [see Vol. 1. 335.] had placed Albany on the same footing with those counties in which Circuits were appointed at the pleasure of the Supreme Court.—This act is intended to remedy this defect.]

CHAP. III.

An ACT directing the distribution of the revised laws of this State.

Passed February 4, 1814.

Revised Laws
how distribu-
ted. V. N. & W.
v. 2. 555. §. 2.

BE it enacted by the people of the State of New-York represented in Senate and Assembly: That the Secretary of this State, be authorised to deliver to the Governor and Lieutenant Governor, the Chancellor, each of the Judges of the Supreme Court and Judge of the court of Probates and Surrogates, the Attorney General, Surveyor General, Treasurer, Comptroller, Secretary, the several District Attornies, County Clerks, Clerks of Towns, and Cities, Supervisor's Clerks within this state, one copy, and to the executive of each of the United States three copies of the Revised Laws and to such other persons, bodies, or for such other purposes as the two houses of the Legislature have or may by concurrent resolution order or direct.

[*Note.*—Although the publishers of the revised laws were required to furnish the state a certain number of copies [and which requisition had been complied with,] yet no provision by law was made for their distribution.—This act makes the necessary provision.]

THIRTY-SEVENTH SESSION.

CHAP. IV.

An ACT to extend the time for producing specimens of Woollen Cloth agreeable to an act entitled "An Act for the encouragement of manufacturers of Woollen Cloth and for other purposes," Passed 19th June, 1812.

Passed February 4, 1814.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the time limited in and by the first section of the said recited act for the production of the best specimens of woollen cloth of uniform texture and quality, to the society for the promotion of useful arts, at the city of Albany, shall be, and the same is hereby extended to the fifteenth day of March next.

Time, &c. extended. Sess. 35, Ch. 200. W. v. o.

II. *And be it further enacted,* That in cases where but two of the Judges of the court of Common Pleas in any county of this state, have attended or shall hereafter attend, to examine specimens of woollen cloth under the second section of the said recited act, the certificate of such two Judges shall have the same effect, and shall entitle the persons producing them, to the premiums awarded by the said act, in the same manner, as if more than two Judges had attended, or the Clerk of the county had been associated with them, any thing in the said recited act to the contrary notwithstanding.

When two of the Judges of the Court of the Com. Pleas may certify.

[*Note.*—The act extended and explained by this law, is not to be found in the revised laws. It was no doubt omitted because it was considered as a temporary and not a permanent act. The importance of it however will not be disputed, and those desirous of examining all its provisions will find it in session 35, Ch 230.

CHAP. V.

An ACT relative to the recording of deeds of lands in the Military Tract.

Passed February 4, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That no deed, conveyance or writing, relating to the title or property of any lands granted by this state, as bounty lands, to the officers and troops of this state who served in the army of the United States, executed on or before the first day of May one thousand seven hundred and ninety seven, shall hereafter be registered or recorded, unless the same be acknowledged or proved according to the provisions of the first section of the act entitled "An Act concerning deeds," passed the 12th day of April 1813, any thing in the seventh section of said act or any law to the contrary notwithstanding.

Certain deeds for bounty lands not to be recorded unless, &c. V. N. & W. v. l. 371.

[*Note.*—The 7th section referred to, is to be found in the V. N. & W. vol. 1. 371, and this law it would be well there to note. To professional gentlemen it is needless to observe, that landed estate in the military tract may be deeply affected by this provision, as the death of witnesses, &c. may prove insurmountable obstacles in the way of proving old deeds according to the existing laws, though the proof or acknowledgment of deeds under the former law had often opened, it cannot be disputed, a door to the greatest iniquity and fraud.]

CHAP. VI.

An ACT relative to the directors of the bank of Troy.

Passed February 4, 1814.

Enacted.

WHEREAS the President and Directors of the Bank of Troy by their petition have requested that the charter incorporating said bank may be so altered as to authorise the directors of said bank in the village of Waterford to be elected and appointed in any part of this state,

Therefore;

The 5 directors required to reside at Waterford, may be chosen from any part of the State.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the five directors of the bank of Troy directed by the act of incorporation to be elected and appointed from stockholders residing in the village of Waterford, may whenever any vacancy or vacancies shall happen, be elected and appointed, in the manner prescribed by said act, from the stockholders residing in any part of this state, any thing in the said charter, to the contrary notwithstanding.

[Note.—The bank of Troy was incorporated March, 22, 1811. [Sess. 34. Ch. 66.] directing 17 directors to be elected and chosen—3 to be chosen by the Governor and council of appointment, (of these 3 one was to reside at Lansingburgh, another at Troy, and the third at Waterford.) and the other 14 to be elected by the stockholders, 6 of which directors were required to reside at Troy, 4 at Lansingburgh, and 4 at Waterford. On the 12th March, 1813, [Sess. 36. Ch. 61.] the bank was authorized to establish a branch, (for discount and deposit,) at Waterford. On the 9th April, 1813, [Sess. 36. Ch. 153.] further provision by law was made, declaring that the 5 directors to be elected and appointed and to reside at Lansingburgh might be elected or appointed from the stockholders residing in Rensselaer or Saratoga counties. This act now makes further provision by allowing the 5 directors heretofore required to reside at Waterford to be chosen and appointed from any part of the state.]

CHAP. VII.

An ACT for the relief of the Rector, Church Wardens, and Vestry of the Protestant Episcopal Church of St. Marks, in the Bowery, in the City of New-York.

Passed February 4, 1814.

Enacted.

WHEREAS the Rector Church Wardens and Vestry of the Protestant Episcopal Church of St. Marks, in the Bowery, in the city of New-York, have by their petition represented to the legislature that by reason of the alteration of the streets in the said city, made in pursuance of the act of the legislature, entitled "an act relative to improvements, touching the laying out of streets and roads in the city of New-York and for other purposes," passed April 3d, 1807, they sustain great injury in the present shape, boundaries and dimensions of the ground on which the said church is erected, in the ninth ward of the said city, and also the ground used by the said corporation for a cemetery in the said ninth ward, and also the ground on which the parsonage house is erected, belonging to the said corporation in the tenth ward of the said city; that the present shape, boundaries and dimensions of the same were derived from streets that are in part abolished by the opera

tions of the said act; and that an alteration in the same cannot be effected unless the said corporation are legally authorised to convey to the several proprietors of the lands adjoining the same, parts or parcels of the said premises, which by virtue of their titles to the same they are incapacitated from doing; and it appearing reasonable to the legislature that relief in the premises ought to be granted: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the rector, church wardens and vestry of the Protestant Episcopal Church of St. Marks, in the Bowery in the city of New-York, with the consent of the chancellor of this state, to grant and convey to the proprietor or proprietors of the adjoining lands, such part or parts of the ground belonging to them on which the said church is erected, in the ninth ward of the city of New-York; and also part or parcel of the piece of ground belonging to and used by them for a cemetery, situate in the said ninth ward of the said city; and also part or parcels of the ground belonging to them and on which their parsonage house is erected in the tenth ward of the said city, as may be necessary for carrying into effect the purposes mentioned in the recital to this act; and that any lands received by the said corporation in lieu of such grants and conveyances, shall be held by them for the specific purposes and uses for which they now hold their lands that they may so grant and convey and no other.

Corporation with the consent of the chancellor, may convey certain estate for certain purposes.

[Note. The recital sufficiently explains the nature of the evil and the remedy to be applied. The 4th section of the act "to provide for the incorporation of religious societies,"—2 vol. V. N. & W. 215, permitting only a religious incorporation "to demise, lease and improve" its real estate, renders applications to the legislature for authority "to grant and convey" upon other conditions necessary.]

CHAP. VIII.

An ACT altering the time and place of holding the Courts of Common Pleas and General Sessions of the Peace of the county of Niagara, and for other purposes.

Passed February 4, 1814.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the next term of the court of common pleas for the county of Niagara, shall be held on the third Tuesday of March next, at the school house near Asa P. Harris's, in the town of Clarence, and thereafter at such places as the judges of the said court shall direct; the clerk of the county giving public notice thereof, at least six weeks previous to the sitting of the said court.

II. *And be it further enacted,* That all writs returnable on the third Tuesday of February, at which time the court of common pleas of said county of Niagara was to have been held, shall be returnable on the third Tuesday of March next, and be as valid as if the same had been returned on the said third Tuesday of February,

III. *And be it further enacted*, That the goal of the county of Genesee, shall be the goal for the county of Niagara, until otherwise directed by the Judges of the courts of said county.

CHAP. IX.

An ACT to Incorporate the Humane Society of the City of New-York,

Passed February 4, 1814.

Keating,

WHEREAS Matthew Clarkson, Hugh Williamson, John R. Murray, Dewitt Clinton, David Hosack, Jacob Morton, Thomas Eddy, James Bloecker, John B. Romeyn, Lynde Catlin, John E. Caldwell, Gulian Ludlow, John Bogert, Andrew Morris, Jacob Sherred, Alexander Hosack, Ebenezer Stevens, Jacob Vanden Heuvel, George Griswold, Richard Duryee, Samuel Boyd, Frederick De Peyster, John Aspinwall and Benjamin Strong, associated as an institution under the style of "The Humane Society of the city of New-York," for the purpose of providing food, fuel and other necessities to destitute debtors in prison, and procuring the liberation of such of them as are illegally detained in confinement, and also for the purpose of affording means of resuscitation to persons apparently drowned, by their petition presented to the legislature have prayed to be incorporated, the better to enable them to carry into effect the salutary objects of their institution: Therefore,

By the and general powers of corporation.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or hereafter shall be members of the said institution, shall and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Humane Society of the city of New-York," and that by that name they and their successors forever hereafter shall and may have succession, and may by the said name, be capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and may change and alter the same at their pleasure, and that they and their successors by their said name shall forever hereafter be persons capable in the law to purchase, take, hold, receive, and enjoy to them and their successors any real estate whatsoever, and all other hereditaments of whatsoever nature kind or quality they be, in fee simple, for term of life or lives, or in any other manner howsoever, and also any goods, chattels, or personal estate whatsoever. *Provided always*, The yearly income of the said real and personal estate and hereditaments doth not at any time exceed the sum of three thousand dollars, and that they and their successors by the same name shall have full power and authority to lease the said real estate and hereditaments on such terms as they shall judge most beneficial: and also to dispose of all such personal estate at their will and pleasure

as they shall judge most advantageous to promote the humane purposes of the said corporation.

II. *And be it further enacted*, That there shall be forever hereafter, twenty four members of the said corporation, that the said members shall be actually resident in the city of New-York, and the first members of the said corporation shall be Matthew Clarkson, Hugh Williamson, John R. Murray, Dewitt Clinton, David Hosack, Jacob Morion, Thomas Eddy, James Bleecker, John B. Romeyn, Lynde Catlin, John E. Caldwell, Gulian Ludlow, John Bogert, Andrew Morris, Jacob Sherred, Alexander Hosack, Ebenezer Stevens, Jacob Vanden Heuvel, George Griswold, Richard Duryee, Samuel Boyd, Frederick De Peyster, John Aspinwall and Benjamin Strong; and upon any vacancy happening in the said corporation by reason of death, resignation, removal out of the city of New-York, or otherwise, a nomination shall be made at one meeting and an election by ballot be held at the next meeting of a person to supply the said vacancy; and if the votes of all the members present at such balloting are for the election of the person so nominated, he shall be elected, otherwise the corporation shall nominate and vote for another person as before and so on until the vacancy is supplied.

Members of the corporation.

III. *And be it further enacted*, That the officers of the said corporation shall be a president, vice-president, treasurer and secretary, who shall be elected at the first meeting of the corporation in every year, or at such other time and at such place as the said corporation shall from time to time appoint, and shall hold their places until the next election of officers, and that every such election shall be by ballot, by a majority of the members present at such meeting; and that in case any vacancies should happen in either of the said offices, by death, resignation, removal out of the city of New-York, or otherwise, such vacancies shall and may be filled up by a special election for that purpose, to be held in the same manner as the annual elections are made, and at such places and times as shall be appointed by the said corporation.

Its officers.

IV. *And be it further enacted*, That the members of the said corporation shall meet for the first time, on the first Wednesday of May next after the passing of this act, and shall thereafter regularly meet, at least once in each month, and at such other times as they may judge expedient; and that any seven or more of the said members being convened, the president or vice-president being one, shall be a meeting of the said corporation; and that at any and every such legal meeting of any seven or more of the members of the said corporation, it shall be lawful for them, or a majority of them, to make such by-laws, rules and regulations, for the management of the affairs and concerns of the said corporation, and for the direction or disposal of the property thereof, and the same or any part of them, to alter, amend and repeal from time to time, as they or a majority of them, so met, shall think proper: *Provided*, That such by-laws, rules and regulations, be not repugnant to the constitution and laws of the United States, or of this state.

Meetings of the members.

Their powers.

V. *And be it further enacted*, That if any member shall be absent from six successive meetings of the said corporation, unless

When sent to become vacated.

The consent
of this state
given to a cer-
tain exchange

Proviso.

Further pro-
viso.

II. *And be it further enacted*, That the consent of the legislature be, and the same hereby is given, to such grant as may be made by the mayor, aldermen and commonalty of the city of New-York to the United States, in exchange for the above mentioned lands, now in the possession of the United States; and that the jurisdiction over the lands to be conveyed by the said grant to the United States, shall be and the same is hereby ceded to, and vested in, the United States: *Provided*, That this cession shall not prevent the execution of any process, civil or criminal, issuing under the authority of this state, in and upon such lands so to be conveyed; nor shall prevent, or be construed to prevent, the operation of the laws of this state, nor the ordinances of the common council of the city of New-York, upon such lands, so far as the same may not be incompatible with the free use and enjoyment of the said lands by the United States: *And provided also*, That the lands so to be granted by the mayor, aldermen and commonalty of the city of New-York, to the United States, shall be so granted, expressly for the purpose of providing for the safety and defence of the city and port of New-York; and that the said lands shall pass to, and become vested in, the people of this state, in case they shall cease to be applied to the purpose aforesaid.

[*Note*.—The recital to this act is sufficiently explicit, without requiring any further explanation.]

CHAP. XIV.

An ACT for the relief of the settlers on the Pultney Estate.

Passed February 11, 1814.

Recital.

WHEREAS it appears to the legislature, that Sir John L. Johnstone, late of Westerhall in the county of Dumfries, in that part of the United Kingdom of Great-Britain and Ireland, called Scotland, deceased, succeeded on the fifteenth day of July, in the year one thousand eight hundred and eight as heir at law of Lady Bath, who was the only child and heiress of Sir William Pultney, late of London, in the said United Kingdom, deceased, to a large real estate in different parts of the western district of this state, and commonly called the Pultney estate; that the said Sir John, after his succession to the said estate, appointed Robert Troup of the city of New-York, Esquire, his agent with full and regular powers for the management and sale of the said estate; that the said Robert Troup acting under his said powers, has disposed of large parcels of the said estate, in gradual sales of farms to actual settlers, the purchase monies of which in the aggregate, amount to a very considerable sum; that the said Sir John died on or about the twenty third day of December in the year one thousand eight hundred and eleven, and the said Robert Troup received notice of his death on the tenth day of March next following; that the powers of the said Robert Troup being revoked by operation of law on his receiving notice of the death of Sir John, the said Robert Troup deputed Joseph Fellows, Esquire, one of

his assistant agents, to Great Britain, to make the needful representations to Sir John's family respecting the estate, and to obtain a renewal of the powers necessary for the orderly prosecution of the agency; that the said Joseph Fellows sailed for Great Britain in the month of May in the year one thousand eight hundred and twelve, and arrived in London in the month of July thereafter, when he learnt that Sir John had left a widow and three small children, and also a last will, whereby he had devised his American estate to four trustees in Great Britain, in trust to sell the same for the benefit of his family; that upon the application of the said Joseph Fellows to the trustees for a renewal of powers to the said Robert Troup, they took the advice of counsel learned in the law on the construction of the trusts created by the will and on the nature and extent of the powers to be delegated by them to the said Robert Troup, for continuing the agency; that the said counsel advised the trustees to submit the construction of the trusts, and the nature and extent of the powers to be delegated to the said Robert Troup, to the opinion of the court of chancery in England; that the said Joseph Fellows remained several months in England after the trustees received the said advice, during which time he zealously devoted himself to the procuring of new powers, notwithstanding which he returned to America without bringing them, and without knowing at the time of his departure from England that any application had been made to the court of chancery; that tedious delays are apt to attend proceedings in the English court of chancery; and in case the trustees should resort to that court for its directions much time may elapse before they are given; that the trustees have not been induced to withhold powers from the said Robert Troup, by the smallest degree of dissatisfaction with his conduct, but solely by an apprehension of incurring personal responsibility by the grant of the necessary powers, for the proper management of the agency; that letters of administration with the will annexed upon the personal estate of the said Sir John in this state, have been granted to the said Robert Troup in due form of law, by the judge of probates, but such letters, although they entitle the said Robert Troup to receive from the settlers on the Pulteney estate all the purchase monies due, and to become due, on their contracts, yet they do not authorise him to execute deeds to convey the lands to the purchasers: That the settlers are likely to suffer much anxiety and damage, from the want of their deeds which cannot fail to produce injurious effects on the settlement of the country: and that the present war with Great Britain throws obstacles in the way of every kind of intercourse between the two countries, in relation to matters of private business: Whereupon,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Robert Troup, as administrator with the will annexed, of the personal estate of the said Sir John L. Johnstone, to carry into effect by executing good and sufficient deeds, containing covenants of warranty, and for quiet enjoyment, in his own name, as administrator as aforesaid, to the purchasers of the lands, their heirs and assigns, all existing contracts for the sale of lands,

R. Troup,
authorized to
execute cer-
tain deeds.

parcels of the said Pulteney estate, which the said Robert Troup has made bona fide, and for valuable considerations in virtue of the full and regular powers granted to him by the said Sir John, for the management and sale of the said estate, and prior to the tenth day of March, in the year one thousand eight hundred and twelve : *Provided always*, That no deed shall be executed by the said Robert Troup, without the previous receipt by him of the full consideration money therein expressed to be paid.

Validity and
effect of such
deeds declar-
ed.

II. *And be it further enacted*, That every deed so as aforesaid, executed by the said Robert Troup, shall be as valid and effectual to pass to the grantee and his heirs all the estate and interest, both legal and equitable, which the said Sir John L. Johnstone had and held in his life time, and at the time of his death, in the lands, by the said deed granted, as if such deed had been executed in the life time of the said Sir John, by the said Robert Troup as his attorney, in virtue of the full and regular powers above mentioned, and that such deed shall have no other operation or effect in law or equity, saving however to the grantees, their heirs and assigns, the covenants aforesaid.

Purchase mo-
nies declared
assets.

III. *And be it further enacted*, That all the purchase monies which the said Robert Troup shall receive for the lands so as aforesaid, conveyed by him, shall be assets in his hands as administrator with the will annexed of the said Sir John L. Johnstone's personal estate, and that such assets shall be disposed of by the said Robert Troup, in such manner as the trustees of the will of the said Sir John L. Johnstone shall require, and the law shall direct.

[*Note*.—The legislature have on various occasions authorised deeds to be executed for lands sold, when some intervening obstacle, such as the minority of heirs, &c. has prevented full effect and security to be given to the sale without legislative provision. This act, from its recital, was obviously necessary and cannot produce any evil, being well guarded in all its parts.

CHAP. XV.

An ACT for the Relief of the Rector, Wardens and Vestrymen of St. Andrew's Church, in the County of Richmond, and for other purposes.

Passed February 18, 1814.

Recital.

WHEREAS it is represented to the legislature by a petition of the rector, wardens and vestrymen of St. Andrew's Church, in the county of Richmond, that Ellis Duxbury, deceased, by his last will and testament, made in the year one thousand seven hundred and eighteen, did devise a certain plantation or tract of land in said county, to the said rector, wardens and vestrymen of St. Andrew's, in the county of Richmond, and to their successors forever, as a glebe for the only use and maintenance of the ministers, incumbents of the said church : *And whereas* it is represented by the said petition, that by reason of the distant situation of the said glebe from the said church, it is not convenient for the minister and incumbent of said church, to occupy and improve

the same himself, by reason whereof the said glebe hath got out of repair, and the wood and timber thereof have been entirely carried off or destroyed, in consequence of which the same cannot be leased to great advantage, and that it does not produce so great an income, nor is the object of the testator so beneficially answered as it would be if the said glebe, or a part thereof, could be sold, and the proceeds thereof be placed at interest, on bonds and mortgages, or be vested in safe and productive stock, or be permitted to vest in real estate : *And whereas* the said rector, wardens and vestrymen, have prayed that an act may be passed, authorising them to sell the said glebe or a part thereof, and to place the avails thereof at interest upon bonds and mortgages, or in productive stock, upon the trusts and for the sole use and purpose mentioned in the said last will and testament of the said Ellis Duxbury ; and the legislature deeming reasonable and proper to grant the prayer of the said petition : Therefore,

Further recital.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the rector, wardens and vestrymen of St. Andrew's Church, in the county of Richmond, to sell the said plantation, tract of land or glebe, so as aforesaid devised them, or any part thereof, and to give a conveyance and title, or conveyances and titles, in fee-simple, to the purchaser or purchasers thereof, and to place the proceeds thereof at interest, secured by good and sufficient mortgage or mortgages on real estate, or to vest the same in some public or other productive stock, yielding a regular income ; and to apply the said income to the maintenance of the rector, and incumbent of the said church, for the time being, according to the intent and last will and testament of the said Ellis Duxbury, deceased, and to no other use or purpose whatsoever : *And whereas* it is represented in the said petition, that a part of the said glebe hath heretofore been purchased and paid for by the people of the state of New-York, for a marine hospital, and is now occupied as such ; but that doubts have arisen whether any good, sufficient and valid title therefor, hath been executed ; and the said rector, wardens and vestrymen have, in their said petition, offered to execute, at the expense of the state, a good and sufficient deed of confirmation and title for the said thirty acres of land, if authorised by law so to do : Therefore,

St. Andrew's church authorised to sell certain real estate.

How to dispose of the proceeds.

Recital.

II. *Be it further enacted,* That it shall be lawful for the said rector, wardens and vestrymen, to execute, and for the person administering the government of this state, for the time being, to receive and take, at the expense of this state, from the said rector, wardens and vestrymen, a deed of confirmation for the land so purchased and paid for as aforesaid, and to file the same in the secretary's office ; whereupon the clear and absolute title in fee simple to the said tract of land, shall be vested in the people of this state.

The executive authorised to receive a certain deed of confirmation from the church.

III. *And be it further enacted,* That upon receiving and filing such deed of confirmation as aforesaid, it shall be lawful for the person administering the government of this state, to convey to the United States, all the right and title of the people of this state, to five acres thereof, according to a survey on file in the secreta-

The executive to convey to the U. States all the right of this state to certain land.

ry's office, the consideration for which five acres, hath heretofore been paid to this state by Joshua Sands, late collector of the port of New-York, for and in behalf of the United States.

[*Note.*—This act is sufficiently explained by its recitals.]

CHAP. XVI.

An ACT for the Relief of the late Sufferers on the Western Frontier of this State.

Passed February 18, 1814.

50,000 dollars appropriated for the relief of the sufferers on the western frontier, and to whom to be paid.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, the sum of fifty thousand dollars to Graham Newell, William Wadsworth, and Joseph Ellicott, or a majority of them, who shall distribute the same amongst the indigent sufferers in the counties of Niagara and Genesee, in consequence of the late invasion of the western frontier of this state; including the Tuscarora nation of Indians, and the Canada refugees, in such manner and by such agents in the several towns, as they, or a majority of them, shall think proper, just and equitable; and the said Graham Newell, William Wadsworth, and Joseph Ellicott, shall, on or before the first day of January next, account with the comptroller, for the expenditure of the money paid to them in pursuance of this act.

How to be accounted for.

[*Note.*—The Assembly on the 25th day of January, 1814, passed a resolution requesting the assent of the Senate thereto, that the sum of 50,000 dollars be appropriated for the purpose mentioned in the bill, and that the same be paid to the order of William Shepherd, Thaddeus Chapin, Moses Atwater, Nathaniel Gorham, Zachariah Seymour, Myron Holley, Thomas Beal, Phineas P. Bates, William Wadsworth and Amos Hall, or a majority of them.—On the 1st February, 1814, the Senate originated, on the next day passed in committee of the whole, and on the day thereafter passed a bill "for the relief of the sufferers, &c."—On the 8th February, the Assembly returned the bill with an amendment [The amendment related to the names of the persons by whom the money was to be distributed.]—On the 9th February, the Senate non-concurred in the proposed amendment. On the 10th February, the Assembly voted to adhere to their amendment. The Senate thereupon appointed a committee "to discuss the points in difference, &c." On the 12th February, the points in difference having been settled, the Senate passed the bill in question, and the Assembly concurred.]

CHAP. XVII.

An ACT to amend an act, entitled "an act concerning the Commissioners of the Land-Office, and the sale of the unappropriated Lands," passed April 6, 1813.

Passed February 18, 1814.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh sections of the act concerning the commissioners of the land-office, and the sale of the unappropriated lands, be and the same are hereby repealed, and the com-

Certain sections of the act concerning the land-office repealed.

missioners aforesaid are hereby prohibited from receiving applications for any of the lands described in either of the said sections, after the passing of this act.

II. *And be it further enacted*, That in all cases in which certificates, issued by the surveyor-general, on sales of public lands, and which must according to the existing laws, be presented to the commissioners of the land-office before a patent can be issued have been lost, it shall and may be lawful for the said commissioners to receive evidence of such loss; and on receiving satisfactory proof of the fact, to order a patent to be issued to such person as shall to them appear to be the proprietor of the lot or lots, and shall have power to establish such rules as in their opinion may be proper, to prevent fraudulent applications on false suggestions.

Provision made for proving certificates which are lost.

III. *And be it further enacted*, That in cases of persons dying possessed of land to which he or they had a pre-emptive right, the commissioners of the land-office may hear and determine the claims of all persons who may consider themselves entitled to the whole or any part of such lands; and on such determination the parties to whom such land may be awarded, shall be entitled to all the rights and privileges, and be subject to all the restrictions and duties declared in and by the sixteenth section of the act hereby amended.

Commissioners of the land office to determine upon the claims of persons dying possessed of lands belonging to the state.

IV. *And be it further enacted*, That in all cases of sale by virtue of mortgages executed to the people of this state, the affidavits of the publication of the advertisement of sale and of the circumstances respecting the sale of the mortgaged premises in pursuance of the act, entitled "an act concerning mortgages," may be recorded in the office of the secretary of this state, and that the affidavits so recorded, or the record thereof, shall have the like effect as if the same had been recorded in the office of the clerk of the county where the mortgaged premises lie.

Affidavits of advertising on mortgages to the state may be made and their effect.

[*Note*.—The sections repealed by the first section, (to be found in V. N. & W. v. 1. 298, 299.) had relation to certain occupants of public lands, having the right of pre-emption within a *limited time*. By a mistake of the Revisors, these sections had been adopted from W. v. 4. 400—Sess. 29 ch. 71.—Sess. 33. ch. 65—without adverting to the fact, that the *time limited, had long since expired*.—Hence it became necessary to repeal those sections.—The 2d and 3d sections of this act might well be *repealed* in V. N. & W. v. 1. 292, as being connected with the act concerning the Land-Office, and the 4th section in the same volume, page 375, § 14, relating to mortgages to the state.]

CHAP. XVIII.

An ACT to Incorporate the President and Directors of the Mining, Smelting and Refining Company.

Passed February 25, 1814.

WHEREAS John L. Norton, Martin S. Wilkins, and John A. Graham, together with other citizens of this state, have associated together, for the laudable purpose of digging, mining, smelting and refining gold, silver, lead and copper ores, and for erecting a shot tower for the manufacturing of shot in the state of New-York, and for the purposes of establishing a factory for the making red

Recital.

and white lead; *And whereas* they have presented a petition to the legislature, setting forth the importance of such an establishment to our common country, as well as to the proprietors themselves: Therefore,

Corporation
Instituted,
name, style,
and general
powers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That John L. Norton, Martin S. Wilkin, John A. Graham, and such others as now are or may hereafter be associated with them for the purposes aforesaid, shall be and hereby are ordained, constituted and declared to be until the first day of February, which will be in the year one thousand eight hundred and thirty-three, a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Mining, Smelting, and Refining Company," and by that name they, their successors and assigns, until that time shall and may have continued succession, and be persons in law, capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure, and that they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the estate, whether real or personal, so to be purchased and holden, shall be such only as shall be requisite to promote and attain the objects of this incorporation; such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments which shall have been obtained for such debts.

Proviso.

Capital stock.

II. *And be it further enacted*, That the capital stock of the said incorporation, shall not exceed five hundred thousand dollars, and that a share in said stock shall be one hundred dollars, and that subscriptions to the said capital stock, under the directions of the president and directors, be opened until the number of shares subscribed shall be sufficient, in the opinion of the directors, to commence the business contemplated by this act; and the original stock in the Vermont mining and smelting company, shall be allowed to be subscribed by the proprietors or holders thereof, as so much of the capital stock in this incorporation: *Provided always*, And this act is with this express condition, that the funds of the said company shall be applied to the purposes stated in the preamble to this bill, and no other.

Stock in the
Vermont min-
ing and
smelting
company dis-
posed of.

Directors,

power, num-
bers and how
chosen.

III. *And be it further enacted*, That the stock, property, affairs and concerns of said corporation, shall be managed and conducted by thirteen directors, one of whom to be president who shall hold their offices for one year from the first Tuesday of June, in every year, which said directors shall be citizens of this state; and that thirteen of the said directors shall be elected on the first Tuesday of June in every year, at such time of the day and at such place within the city of New-York, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors, not less than thirty days previous to the

time of holding the said election, by an advertisement, to be inserted in at least two of the public newspapers printed in the city of New-York; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose, in their proper persons or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the thirteen persons who shall have the greatest number of votes at an election, shall be directors; and if it shall happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of thirteen; and the said thirteen directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected, shall at any time remove out of this state, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a major part of them, shall appoint; that the first directors shall be John L. Norton, Martin S. Wilkins, John A. Graham, Thomas Eddy, James Warner, Christian Shultz, Jonathan Little, Stephen Gould, George Gibbs, Francis Sexton, Joseph Watkins, George Wilson and Samuel Burling, and shall hold their offices until the first Tuesday of June, one thousand eight hundred and fifteen.

Vacancies
how filled.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Elections
may be held
at any day.

V. *And be it further enacted*, That it shall be lawful for the president and directors of said corporation, to call and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such time and in such proportions as they shall deem fit, on the pain of forfeiture of their shares and all previous payments thereon to the said corporation, always at least giving thirty days previous notice of such call and demand, in one of the public newspapers to be published as aforesaid.

Shares when
and how to
be paid on
pain of for-
feiture.

VI. *And be it further enacted*, That a majority of the directors, for the time being, shall form a board or quorum for transacting all the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the manage-

Quorum of
directors, and
powers.

ment and disposition of the stock, property, estate and effects of said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as appertain to the concerns of the said institution; and shall also have power to employ so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Transfer of
stock regula-
ted.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

This act de-
clared a pub-
lic act.

VIII. *And be it further enacted*, That this act be and the same is hereby declared to be a public act, and that the same be construed benignly in all courts and places whatever, for all the beneficial purposes herein contained.

[*Note.*—By a grant of the legislature of the state of Vermont, about 16 years since, Col. John A. Graham, for services rendered that state in England, obtained an exclusive privilege of mining, smelting and refining, all ores found in the said state for the term of 35 years, excepting Bradley's mine. Col. Graham afterwards purchased one half of said mine, and a few years since formed a company in the city of New-York, under the name and style of *The Vermont Mining and Smelting Company*.—To give effect to the objects of this company, the present act of incorporation was applied for and granted. The company intend to erect one or more Shot-towers, and to mine and smelt such ores in this state, as they may deem expedient and advantageous to the interests of the company.]

CHAP. XIX.

An ACT in addition to the act concerning oaths:

Passed February 25, 1814.

Chairman
Re. [see
hists.]

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That each and every chairman of any committee either of the Senate or Assembly, or of any joint committee appointed by concurrent resolution of the two houses, is hereby authorised to administer oaths to all witnesses coming before such committee for examination, and all witnesses so sworn and examined, shall, in case of false swearing, be liable to all the pains and penalties of wilful and corrupt perjury.

[*Note.*—The inconvenience of procuring the attendance of a magistrate before a committee, in order to administer oaths, and the impunity with which witnesses were allowed to swear without the danger of prosecution for perjury, induced the legislature to pass this act. The act "concerning oaths," is to be found in V. N. & W. Vol. 1. 382.]

CHAP. XX.

An ACT to amend an act entitled, an act to divide the town of Oxford, in the county of Chenango," passed April 2, 1813.

Passed February 25, 1814.

Recital.

WHEREAS an act of the legislature was passed April second, one thousand eight hundred and thirteen, erecting a new town.

from the town of Oxford, in the county of Chenango, by the name of Eastern; *And whereas*, in said law for erecting said town of Eastern, the time for holding town-meetings in said town was not fixed in said act; Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the first town meeting, in the said town of Eastern shall be held on the first Tuesday of March next; and that the first Tuesday of March forever thereafter shall be the day for holding the annual town meeting in said town of Eastern.

Town meetings in Eastern when held.

II. *And be it further enacted*, That it shall be the duty of the Justices of the peace in the said town of Eastern, to give public notice of the time of holding said first town meeting in said town, by putting up at least five notices in writing at the most public places in said town, mentioning the time and place of holding said meeting.

Justices to give notice of the first town meeting.

[*Note*.—The act referred to is to be found in V. N. & W. Vol. 2, page 123.]

CHAP. XXI.

An ACT to appoint commissioners to alter a Road in the town of New-Berlin, in the county of Chenango.

Passed February 25, 1814.

WHEREAS by an act of the legislature, passed March twenty seventh, one thousand eight hundred and nine, commissioners were appointed to lay out a public road, beginning at or near the court-house in the village of Norwich, in the county of Chenango, thence running easterly through New-Berlin, to the Unadilla river, so as to correspond with and be a continuation of a public road, by law authorised to be laid from the said river easterly through the towns of Buttermilk, Otego, and Milford; and whereas it has been represented to the legislature, that an alteration of said road through the town of New-Berlin would be highly advantageous to the public:—Therefore,

Recital.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thomas Brown, Junior, Washington Winsor and Reuben Smith, be and they are hereby appointed commissioners, and they or any two of them, are empowered to make such alteration in said road, through the town of New-Berlin, as they shall think conducive to the public good, not altering the plan of commencement or termination of said road; and the surveyors and commissioners shall be entitled to receive the same wages, and it shall be levied and collected in the same manner as is directed in the above recited act. *And further*, If the said commissioners, on viewing said road, do make any alteration therein, they are hereby required to certify the same under their hands to the town clerk of the town of New-Berlin, and the clerk of said town is hereby required to make a record of the same.

Commissioners appointed to make the alteration.

Further powers.

[*Note*.—The act referred to in the preamble is to be found in W. v. 5. 497. sess. 32, c. 128, and is entitled "an act to appoint commissioners to lay out roads in the counties of Chenango and Oneida." The commissioners appointed in that act were Amos Mead, Hascal Ramsford, and Stephen Collins.]

CHAP. XXII.

An ACT for the relief of the representatives of William I. Vredenburg, deceased.

Passed February 25, 1814.

Recital.

WHEREAS Mary Vredenburg, widow and relict of William I. Vredenburg, late of the town of Marcellus, county of Onondaga and state of New-York, deceased, together with such of the heirs of the said William as are of lawful age, have by their joint petition to the legislature, set forth, that the said William I. Vredenburg died leaving several heirs under the age of twenty-one years; that the said William I. Vredenburg in his life time, had by articles of agreement contracted to sell and convey sundry tracts of land to certain individuals: therefore praying, that an act might be passed authorising Mary Vredenburg administratrix, and Charles I. Burnett administrator, of the estate of the said William I. Vredenburg deceased, to execute conveyances pursuant to said contracts: Therefore,

Trustees appointed and their powers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said Mary Vredenburg and Charles I. Burnett, of the town of Marcellus aforesaid, be and are hereby appointed trustees, with full power to them to execute conveyances, pursuant to contracts entered into by the said William I. Vredenburg, which conveyances shall be as good and effectual in law, as if the same had been executed by the said William I. Vredenburg in his life time: *Provided always*, That such conveyances shall not conclude the heirs of the said William I. Vredenburg, unless the chancellor of this state shall indorse on the same respectively, a certificate that he is satisfied with the form of such conveyances, and that they are made in pursuance of existing and valid contracts entered into by the said William I. Vredenburg in his life time, of which a specific performance might be decreed by the court of chancery.

Proviso.

Trustees to give bonds.

II. *And be it further enacted*, That the said trustees, before they enter upon the execution of their said trust, shall execute a bond to the infant children of the said deceased, in such penalty and with such sureties as the said chancellor shall direct, conditioned for the true and faithful execution of such trust.

Monies declared as assets.

III. *And be it further enacted*, That the monies which shall arise from the sale of such lands by virtue of this act, shall be considered as assets in the hands of the said administratrix and administrator for the payment of the debts of the said deceased.

[*Note*.—The recital explains the reasons for passing this act. It will be perceived in a subsequent part of this work that it has been contemplated to vest the court of chancery with general powers in all cases of a similar nature.]

CHAP. XXIII.

An ACT to correct a mistake in the division line between the towns of Otsego and Laurens, in the county of Otsego.

Passed February 25, 1814.

Division line defined.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the division line between the

aforesaid towns shall be as follows, to wit: Beginning at the southeast corner of lot number forty five in the Otego patent, at the west line of the town of Milford, running thence westerly on the south line of said lot number forty five, and on the south line of number thirty eight to the southwest corner thereof; thence in a direct line to the southwest corner of lot number thirteen in the patent aforesaid, at the east line of the town of Butternuts.

[*Note.* The former boundaries of the towns of Laurens and Otego are contained in V. N. & W. v. 2, 96, 97.]

CHAP. XXIV.

An ACT to annex all that part of the county of Steuben, between the Forks of the Crooked Lake, to the town of Jerusalem, in the county of Ontario.

Passed February 25, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act all that part of the county of Steuben, lying between the Forks of the Crooked Lake, be and is hereby annexed to the town of Jerusalem, in the county of Ontario, and that the freeholders and inhabitants hereby set off shall henceforth enjoy and possess all the privileges and immunities in common with the inhabitants of the said town of Jerusalem, any thing to the contrary notwithstanding.

Certain territory annexed to the town of Jerusalem.

[*Note.*—See original bounds of Jerusalem V. N. & W. v. 2, 111.]

CHAP. XXV.

An ACT to divide the town of Warsaw, in the county of Genesee, into two towns.

Passed February 25, 1814.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the said county of Genesee, comprehending township number eight in the first range of the lands of the Holland company, shall be erected into a separate town by the name of Hebe; and that the first town meeting thereafter, shall be held at the dwelling house of Charles Bristol: and that from and after the passing of this act, all the remaining part of the said town of Warsaw, shall be and remain a separate town by the name of Warsaw; and that the first town meeting thereafter, shall be held at the dwelling house of Elizur Webster,

The town of Hebe erected.

II. And be it further enacted, That as soon as may be after the first town meeting in said towns, the supervisors and overseers of the poor of the aforesaid towns, shall by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Warsaw, and the poor money belonging to the same previous to the division thereof, agreeably to the then last tax list; and that each town shall forever thereafter maintain their own poor.

Poor monies to be divided

[*Note.*—See original bounds of Warsaw V. N. & W. v. 2, 116.]

An ACT declaratory of the Act, entitled, "An Act to authorise the supervisors of the county of Rensselaer to raise money by tax, for the purpose therein mentioned."

Passed February 25, 1814.

Recital.

WHEREAS the commissioners appointed by the act, entitled, "an act to authorise the supervisors of the county of Rensselaer to raise money by tax, for the purpose therein mentioned," passed the eighth day of June, one thousand eight hundred and twelve, did in pursuance of said act, and with a part of the money raised in virtue thereof, erect and build a fire-proof clerk's office in said county, containing two rooms upon the ground floor: *And whereas* said commissioners by and with the advice and consent of said supervisors, did expend a part of the surplus money raised as aforesaid, in erecting and building a second story with its appurtenances over and above said clerk's office, to remain in the hands and under the control of said supervisors, independent of said clerk's office, to be by them appropriated to and for the use and benefit of said county, which said second story with its appurtenances, the said supervisors have accepted in lieu of said surplus money, so expended in the building thereof, and have leased the same for the use and benefit of said county, and in pursuance of the original design and intention of said commissioners and supervisors, the clerk of said county took possession of the said two rooms only upon the ground floor of said building, as the clerk's office; and whereas also doubts have arisen relative to the power of said commissioners to erect and build said second story as aforesaid, and also relative to the authority of said supervisors to lease the same, in manner aforesaid; for the quieting and removing whereof,

Acts of the commissioners and supervisors confirmed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, and it is hereby declared, That* all and singular the acts of said commissioners and supervisors, in erecting, building and leasing said second or upper story of said building and its appurtenances for the purposes aforesaid, be and the same are hereby ratified and confirmed.

Clerk's office to be upon the ground floor.

II. *And be it further enacted, and it is hereby declared, That* nothing of said building or its appurtenances shall be appropriated for the use of the clerk or for the clerk's office of said county, or considered as appertaining thereto, except the said two rooms upon the first or ground floor thereof, and that the supervisors of said county, or a majority of them, for the time being, shall and may, from time to time, have the absolute power and control over the whole of said building, and all the appurtenances thereto, except the aforesaid two rooms upon said first or ground floor thereof, to be by them appropriated to and for such uses and purposes as they shall judge most conducive to the benefit of said county. *Provided always, That* it shall and may be lawful for said supervisors, or a majority of them, for the time being, at any of their annual meetings hereafter, to resign and deliver up the use and occupancy of said second story, with its appurtenances, to the clerk of

Proviso.

said county, for the time being, if, in their opinion the same be necessary and actually wanted as a part of the clerk's office: *And provided also*, That nothing herein contained shall affect any suit or suits now pending concerning the said building. Further proviso.

[*Note*.—This act originated in a dispute between the clerk of Rensselaer county and a tenant under the supervisors, concerning the right of occupancy of the upper apartments.—The altercation became so serious as to claim legislative interposition. By this act the claims of the clerk are rejected and the original intention of the supervisors carried into effect. The act referred to in the recital and here explained is in sess. 35, ch. 106.]

CHAP. XXVII.

An ACT to amend an act, entitled "an act for the establishment of Common Schools."

Passed March 4, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the money now in the treasury of this state, to be distributed for the use and encouragement of common schools, agreeably to the provisions of the act hereby amended, and all monies hereafter to be distributed, shall be paid by the treasurer on the warrant of the comptroller, to the treasurers of the several counties in this state, or to their order, in the proportions that shall be certified to the comptroller, by the superintendent of common schools, that the said counties are respectively entitled to. Common school monies how distributed V. N. & W. v. 1. 258.

[*Note*. The act amended is in V. N. & W. v. 1. 258.—The provisions in that act, were found inadequate to the distribution of the school monies, and this amendment became necessary to remedy the defect.]

CHAP. XXVIII.

An ACT to repeal a part of the act, entitled "an act to vest the title to certain lands in the city of New-York, in the Mayor, Aldermen and Commonalty of the said city," passed February 11, 1814.

Passed March 4, 1814.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, in common council convened, have by their memorial to the legislature, represented that the proviso contained in the act, entitled "an act, to vest the title of certain lands, in the city of New-York, in the mayor, aldermen and commonalty of the said city," requiring that the lands in and by the said act, authorised to be granted by the mayor, aldermen and commonalty of the city of New-York to the United States, in exchange for certain other lands in the possession of the United States, and in the said act particularly mentioned, may not only embarrass the negotiation with the United States for such exchange, but if such exchange should be effected, may materially interfere with the beneficial use by the United States of the property required by them in exchange as aforesaid, and have therefore prayed, that the said proviso may be repealed. *And whereas* the prayer of the said memorial appears proper to be granted: Therefore, Recital.

Proviso re-
pealed.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the proviso above referred to, in the act above mentioned, be and the same is hereby repealed.

[*Note.*—The act referred to is at page 15. The recital to this act sufficiently explains the reason for passing it.]

CHAP. XXIX.

An ACT for the encouragement of steam ferry boats between the southernmost ferry of the city of New-York and the old ferry at Brooklyn, on the Island of Nassau.

Passed March 4, 1814.

Recital:

WHEREAS the Mayor, aldermen and commonalty of the city of New-York, in common council convened, have, by their memorial to the legislature, represented that they have recently entered into a contract with William Cutting and Robert Fulton, esquires, in consequence of which they anticipate that one or more steam ferry boats, will be in actual operation upon the southernmost ferry from the said city to the old ferry, at Brooklyn, on Nassau Island, by the first day of May next, but that the said William Cutting and Robert Fulton, have entered into this contract under the expectation and belief, that the legislature will permit the rates of ferriage, on passengers, across the said ferry, to be encreased: and the said memorialists have, in and by their said memorial, prayed that the said permission should be granted, and that the common council of the said city, should be authorized to pass such ordinance or ordinances as may be proper to prevent ships and other vessels from interrupting the said steam boats in their passage across the said ferry:—*And whereas* the encouragement of steam ferry boats is highly important to the community, and merits the patronage of the legislature: Therefore,

Reason of En-
suing.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That* the rates or prices for carrying persons and articles hereinafter particularly specified and enumerated, from the southernmost ferry from the said city of New-York to the old ferry at Brooklyn, on the Island of Nassau, and from the said old ferry at Brooklyn, to the said city of New-York in a steam ferry boat, shall be as follows, that is to say, for each and every person who may choose to pass in a steam ferry boat, across the said ferry from the said city to Brooklyn, aforesaid, or from Brooklyn to the said city, the sum of four cents; for each and every waggon, cart or sleigh, loaded or empty, drawn by not more than two horses, mules or oxen, the driver included, thirty seven and a half cents; for each and every waggon, cart or sleigh, drawn by not more than one horse, mule or ox, when loaded, the driver included, twenty five cents, and when empty eighteen cents; for each and every milk cart or sleigh, carrying not more than four kettles of milk, full or empty, the driver or drivers included, drawn by not more than one horse or mule, eighteen cents: *Provided always, That* every waggon or cart, loaded with hay or straw, the driver included, and drawn by not

more than two horses, mules or oxen, shall be rated at fifty cents, any law to the contrary notwithstanding.

II. *And be it further enacted*, That it shall be lawful for any of the present or future residents or inhabitants of the said Island of Nassau, to compound by the year with the lessee or lessees of the said ferry, or his or their agent, for the sum of ten dollars per annum, and in the same proportion for eight months for each person so compounding for the privilege of passing across the said ferry in steam boats, common barges and sail boats; and if they or either of them shall refuse or neglect to compound with any of the residents or inhabitants as aforesaid, on his or their application in writing, delivered in person, or left at the place of residence of the said lessee or lessees, or his or their agent, the party aggrieved, after the expiration of ten days, shall and may recover the sum of twenty dollars, to and for his or her own use, with costs of suit, from the said lessee or lessees, or his or their agent, or from the person or persons taking ferriage at the said ferry, in any court having cognizance of the same.

Inhabitants of the Island may compound for ferriage.

Penalty.

III. *And be it further enacted*, That the sail boat and common barge establishment, shall be conducted and continued agreeably to the directions and provisions of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813; and that every article carried across the said ferry in the said steam ferry boats which is not carried in waggons, carts or sleighs, shall, if not otherwise exempted, be charged such rates and prices as are specified in and by the said act, any thing herein to the contrary notwithstanding.

Ferry subject to the act of April 9, 1813. V. N. & W. v. 1. 355, et seq.

IV. *And be it further enacted*, That the mayor, aldermen and commonalty, in common council convened, shall have power and authority to make and pass such by laws, or ordinances, as to them shall from time to time, seem meet and proper, to restrain and prohibit the mooring or anchoring of any ships, or other vessels, at such place or places as will crowd or interfere with the steam ferry boat or boats, in their passage across the East-River, from the said city of New-York to Brooklyn, aforesaid, and from Brooklyn to the said city, and to impose such reasonable fines and penalties upon the owner, consignee, master, pilot, or other person having charge of such ships or other vessels, respectively, for the violation of the said by laws or ordinances, as by them shall be deemed proper.

Certain powers granted to the corporation of New-York.

[*Note.*—The different acts of the legislature concerning *Steam-boats*, may be found in W. v. 3. 323. W. v. 5. 213, 407. W. v. 6. 286.—In a subsequent part of this work it will be perceived that Col. Aaron Ogden, of New Jersey, interposed a claim before the legislature relative to navigating a ferry *by steam*, from Elizabeth-Town point in New-Jersey, to Whitehall slip in the city of New-York, which claim was ably discussed by counsel before a committee appointed by the assembly—T. A. Emmet and C. D. Colden, for Mr. Fulton, against Ogden in person.—The committee reported *favorably* to the claims of Col. Ogden, *vide* the substance of this report in the appendix.]

CHAP. XXX.

An ACT to authorise the Trustees of the Schenectady Manufacturing Company to increase their Capital Stock, and for other purposes.

Passed March 4, 1814.

Company may extend their stock to 100,000 dollars, and to manufacture woollen goods.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for the Schenectady Manufacturing Company, to extend the capital stock of said company, at their discretion, to any sum not exceeding in the whole, one hundred thousand dollars, and that the said company may, at their discretion, manufacture woollen goods, in addition to the manufacturing of cotton goods, for which they were originally incorporated.*

Additional stock how distributed & apportioned.

II. *And be it further enacted, That the additional stock of said company, authorised by this act, shall be distributed and apportioned by the trustees thereof among the present stockholders, in proportion to the amount of stock now held by them respectively in the said company, if they shall be disposed to accept thereof; and that so much of the said additional stock as shall not be so accepted of by the said stockholders, within thirty days after the books of subscription to the said additional stock shall have been opened by the said trustees, shall and may be distributed by the said trustees in such manner as they shall think proper: Provided always, That nothing in this act contained, shall be so construed as to authorise the said corporation to use or employ any of its stock, funds or monies, in any banking or other operations than those particularly mentioned and set forth in this act, to which operations they shall be exclusively confined.*

Provido.

[*Note*—The Schenectady Manufacturing Company, was incorporated December 7, 1811, under the general act for allowing incorporations for manufacturing purposes, passed March 22, 1811, [*vide* V. N. & W. v. 1. 245.] and the certificate of this incorporation was filed in the secretary's office according to law. By this original act of incorporation, so filed, the capital stock was limited to 30,000 dollars. This being found inadequate, the company are permitted by this act, to extend their stock.]

CHAP. XXXI.

An ACT authorising the raising a further sum of money to build a fire-proof Clerk's Office, in the County of Cayuga.

Passed March 4, 1814.

Recital.

WHEREAS Hachalia Bart, Henry Moore, and Henry Ammerman, superintendents appointed by the supervisors of the county of Cayuga, in pursuance of an act, entitled "an act to authorise the supervisors of the county of Cayuga, to raise money by tax for the erection of a fire-proof clerk's office," passed 3d April, 1809, have by their petition requested a further sum of money to build and complete said office: Therefore,

The further sum of 800 dollars authorised to be raised.
W. v. 5. 140.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the said county, at their next meeting, to levy and raise

by tax the sum of eight hundred dollars, on the freeholders and inhabitants of said county; and to apply the same, together with the money authorised to be raised by the act aforesaid, in building the fire-proof clerk's office in said county, agreeable to the directions of the act aforesaid.

[*Note*.—The act referred to in the recital, is in W. v. 5: 140—Sess. 30. ch. 122. By that act 800 dollars were authorised to be raised by tax for building the said clerk's office.—That sum not being sufficient, the present act was passed for raising the further sum of 800 dollars.]

CHAP. XXXII.

An ACT to Increase the Rates of Toll for crossing Union Bridge.

Passed March 4, 1814.

WHEREAS the president and directors of the Union Bridge ^{Revised} Company have by their petition requested that the rates of toll for crossing said bridge may be increased, and it appearing reasonable to grant such request: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said president and directors, to demand and receive from all persons passing the gate erected on said bridge, the following toll in the cases hereafter mentioned, to wit: For every common waggon drawn by two horses, eighteen and three-fourths of a cent; every additional horse, eight cents; each ox waggon or cart, drawn by two oxen, eighteen cents and three-fourths; every additional yoke of oxen, twelve and an half cents; every one horse cart, waggon, sled or sleigh, fifteen and an half cents; every foot passenger, three cents; every horse, jack or mule, six cents; every cow or other neat cattle, four cents; every sheep or hog, one cent; every man and horse, nine cents; and that it shall be lawful for the toll-gatherer at said gate, to stop every foot passenger, and any person driving, riding or leading any beast or carriage, from going through such gate until they shall have paid respectively the toll herein allowed to be collected: *Provided*, That it shall and may be lawful for the legislature of this state, from time to time hereafter, if they shall deem it expedient, to reduce the respective rates of toll to be taken for passing said bridge, to the rates authorised to be collected, prior to the passing of this act: *And* ^{Provided.} *provided further*, That all troops in the service of this state, or the United States, when travelling on foot, also all cavalry, when on their line of march, or returning from service, shall be exempted from the payment of toll for crossing said bridge. ^{Further provided.}

[*Note*.—This bridge company was incorporated February 22d, 1803.—*vide* W. v. 3. 257.—The act amended February 25, 1805.—*vide* W. v. 4. 21.—The rates of toll being found inadequate, were increased by this act.]

LAWs—S. 37.

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LAWS OF NEW-YORK,

CHAP. XXXIII.

An ACT relative to the opening of the Road between the City of Albany and the River St. Lawrence.

Passed March 11, 1814.

Recital.

WHEREAS by an act passed on the nineteenth of June, one thousand eight hundred and twelve, twenty thousand acres of land were appropriated by the legislature of this state for opening and making a road from the southern boundary of Totten and Crossfield purchase to the St. Lawrence county turnpike, and by an act passed the ninth day of April, one thousand eight hundred and thirteen, the treasurer was authorised to pay fifty cents for every acre appropriated by the act aforesaid towards making the said road, which sum is altogether inadequate to effect the object intended: Therefore,

Additional
appropriation made of
50 cents per
acre.
Sess. 35. c. 216
Sess. 36. c. 151

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer, on the warrant of the comptroller, be and he is hereby authorised and required to pay the additional sum of fifty cents for every acre appropriated by the act, entitled "an act for opening and making a road between the city of Albany and the river St. Lawrence," passed the nineteenth of June, one thousand eight hundred and twelve, which sum shall be paid in the manner directed in and by the said act; and the commissioners of the land-office, shall at any time after the said road shall be completed, sell so much of the said lands belonging to the people of this state, adjoining the said road, as shall amount to the whole sum paid out of the treasury in pursuance of this act, together with an interest of six per cent. per annum thereon.

After road
is completed,
to sell lands,
&c.

[*Note.*—The first act referred to in the recital, is Sess. 35. ch. 216.—By that act the commissioners of the Land-Office were authorised to sell 20,000 acres in Totten and Crossfield's purchase, for the purpose of opening the road in question, and an assessment of not exceeding 10 cents nor less than 5 cents, was laid on every acre of land lying within a mile of the road, and not exceeding four nor less than two cents on every acre lying within two miles and more than one mile from said road. Commissioners were directed to be appointed by the Governor, to explore the route, &c. By the last act referred to in the recital; (passed in 1813, Sess. 36. ch. 151,) it appears that the commissioners so appointed, reported, that "a good and sufficient" road might be made much nearer than any heretofore laid out," but that more efficient means were required. Thereupon the legislature by that act directed fifty cents for every acre appropriated by the first act of 1812, (or 10,000 dollars) to be paid out of the treasury, instead of selling the 20,000 acres before appropriated. This sum of 10,000 dollars being found inadequate, was increased at this session to 20,000 dollars. Perhaps a more laudable object could not have attracted legislative attention. The road in question is rapidly progressing, and promises the most beneficial results to the wealth and prosperity of this state.]

CHAP. XXXIV.

An ACT authorising the Representatives of Ephraim Cleveland, deceased, to convey certain lands therein mentioned.

Passed March 11, 1814.

Recital.

WHEREAS Thomas Cleveland, Perry Button, William Dix, Junior, Rufus Stone and Willard Abbott, have by their petition

represented that Ephraim Cleveland, late of the town of Pompey, in the county of Onondaga, deceased, died seized of four several pieces or parcels of land, of inconsiderable value, situate lying and being in the town of Pompey, aforesaid, which the said Ephraim in his life time, by four several writings obligatory, under his hand and seal, covenanted to convey by deeds of quit claim unto the said Perry Button, William Dix, Junior, Rufus Stone and Willard Abbott, respectively, on their paying certain sums of money in the said writings mentioned; that the said Perry Button, William Dix, Junior, Rufus Stone and Willard Abbott, have fully paid and satisfied to the said Ephraim Cleveland, in his life time, the several sums of money by them respectively covenanted to be paid as the consideration money of said lands; that the said Ephraim, before he executed the deeds of quit claim as covenanted in and by the writings obligatory aforesaid, died without issue, leaving several brothers and sisters and sisters' children his heirs at law, some of whom are infants and others residents without the limits of the United States: now Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the administrators of all and singular the goods and chattels, rights and credits, which were of Ephraim Cleveland, late of the town of Pompey, in the county of Onondaga, deceased, under the direction of the chancellor of this state, to execute conveyances to Perry Button, William Dix, Junior, Rufus Stone and Willard Abbott, their heirs and assigns, respectively, for such parts of the real estate of the said Ephraim Cleveland, deceased, as he the said Ephraim Cleveland, in his life time, bound himself by written contract or bond to convey to the said Perry Button, William Dix, Junior, Rufus Stone and Willard Abbott, or either of them, their or either of their legal representatives, and the conveyances so to be executed by the above mentioned administrators, pursuant to this act, shall be as valid to all intents and purposes whatsoever, as if the same had been made by the said Ephraim Cleveland, in his life time.

Administrators of Ephraim Cleveland authorised to convey certain real estate

[Note.—This is one of the cases in which legislative aid has been usually granted.]

CHAP. XXXV.

An ACT to incorporate the Blue-Mountain Turnpike Company.

Passed March 11, 1814.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Hunter, George B. Everson, Jeremiah Eligh, Robert L. Livingston, Tobias Wynkoop Junior, Jacob Trumbour Junior and John Tremper, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the head of the Cad-erskill clove on the said Blue Mountains, at or near the house of Worster Perkins, in the town of Greenland, and county of Greene, from thence to run eastward through the said clove the nearest,

Corporation created and purposes declared.

best and most convenient rout to or near the house of Jonathan Myer, in the town of Saugerties, in the county of Ulster, and to extend from thence and terminate at or near the house of William Osterhoudt, in said town of Saugerties so as to promote the interest of the public; and this corporation, and their successors be and they are hereby created a body corporate and politic, by the name of the president, directors and company of "The Blue Mountain turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held shall be necessary to fulfil the end and intent of the said corporation and to no other purpose whatsoever.

General powers.

Proviso.

Stock to consist of 600 shares.

Commissioners appointed.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of six hundred shares, of twenty five dollars each, and that Jacob Trumpbour, Junior, Asa Biglow and Worster Perkins, be and they are hereby appointed commissioners, to receive subscriptions for said stock in the manner directed by the act entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Rates of toll.

III. *And be it further enacted*. That the said company hereby incorporated, shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road, for every number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same:—For every waggon, drawn by two horses, mules or oxen, twelve and an half cents; and three cents for every additional horse, mule or ox, attached to such waggon: for every cart, or other carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, attached to such cart or other carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every cart or waggon drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage with one horse, twelve and an half cents; for every chariot, coach, coachee, or phaeton, or other four wheeled pleasure carriage, drawn by two horses, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents; for every sleigh or sled, drawn by one horse or mule, six cents; and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents; and so in proportion for a greater or less number, for every stage waggon, drawn by two horses, twelve and an half cents; and three cents for every additional horse attached to such waggon; and for horses, mules, and neat cattle, in droves, one cent each.

IV. *And be it further enacted*, That the number of directors hereby incorporated shall be five, three of whom shall be a quorum, and capable of managing the business and concerns of the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act, passed 13th March, 1807: *Provided however*, that the chord of the arch of the road hereby authorised to be made, shall be eighteen feet, and that there shall not be more than two gates erected on said road.

Number of directors.

Proviso.

[*Note*—The necessity of a turnpike road over the territory in question, is obvious to every one acquainted with the difficulty of travelling in that direction. This act might with propriety be noted in V. N. & W. vol. 2. 559. in the table of turnpike roads there enumerated.]

CHAP. XXXVI.

An ACT to Incorporate the Saugerties Turnpike Company.

Passed March 11, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Robert L. Livingston, Henry Overing, Jacob Trumphour, Junior, Tyerck Schoonmaker, Junior, Rufus Briggs, Christopher C. Kiersted and Enoch Fitch, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the landing occupied by Enoch Fitch, on the Esopus-Kill, at the village of Saugerties, to intersect the Ulster and Delaware first branch turnpike road, between the house of Levi Wolfen and Barent Lewis, and that the company or stockholders of the proposed road, shall have the privilege to extend the same through the village of Woodstock, across Lake-Hill, to intersect the said branch turnpike, at or near the bridge and creek between the houses of Peter Row and William Dunham, in said town of Woodstock, so as to promote the interest of the public and of this corporation and their successors, be and they are hereby created a body, corporate and politic; by the name of "The president, directors and company of the Saugerties Turnpike;" and they are hereby ordained, constituted and declared to be, a body corporate and politic, in fact and in name, and by that name they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be pur-

Corporation created, and purposes declared.

General power.

chased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Stock 600
shares.

Commission-
ers appoint-
ed.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of six hundred and eighty shares, of twenty-five dollars each; and that Rufus Briggs, Christopher C. Kiersted and Jacob Trumbour, Junior, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, in the year of our lord, one thousand eight hundred and seven.

Rates of toll.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road, for every number of miles not less than ten in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: For every waggon, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox, attached to such waggon; for every cart or other carriage, drawn by two horses, mules or oxen, twelve and an half cents; and for every additional horse, mule or ox attached to such carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every cart or waggon, drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse, twelve and an half cents; for every chariot, coach, coachee or phaeton, or other four-wheel pleasure carriage, drawn by two horses, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents; for every sleigh or sled, drawn by one horse or mule, six cents; and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon, drawn by two horses, twelve and an half cents; and three cents for every additional horse attached to such waggon; and for horses, mules, and neat cattle in droves, one cent each.

Number of
directors.

IV. *And be it further enacted*, That the number of directors hereby incorporated, shall be five, three of whom shall be a quorum and capable of managing the business and concerns of the company hereby incorporated; shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said general act, passed the 13th day of March, in the year of our lord one thousand eight hundred and seven: *Provided however*, That the chord of the arch of the road hereby authorised to be made, shall be eighteen feet.

Proviso.

[*Note*.—This act should be noted in V. N. & W. v. 2. 552. in the table of turnpikes, &c.]

THIRTY-SEVENTH SESSION.

CHAP. XXXVII.

An ACT for the Relief of the Collectors of the Towns of Wolcott and Cato, in the County of Cayuga.

Passed March 11, 1814.

WHEREAS in and by the act, entitled "an act for the relief of the collectors of taxes of the several towns therein mentioned, passed twenty-sixth March, one thousand eight hundred and thirteen; the treasurer of the county of Cayuga, was authorised at any time before the first day of May then next, to settle with the collectors of the towns of Wolcott and Cato, the taxes of the said towns for the year one thousand eight hundred and twelve, in the manner prescribed by the act for the assessment and collection of taxes: *And whereas*, the said collectors, being ignorant of the said act, omitted to settle the said taxes until after the expiration of the time prescribed in said act. and the comptroller refused to accept of the arrears of said taxes: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to accept from the treasurer of the said county, the said arrears of taxes, for the towns of Wolcott and Cato, for the year one thousand eight hundred and twelve, in the same manner as if the same had been returned and transmitted to him at the times prescribed in said act, and he is hereby authorised and required to proceed in the payment and collection of said taxes, any law to the contrary in any wise notwithstanding.

[*Note.*—The act referred to in the recital, is Sess. 36. ch. 81.]

CHAP. XXXVIII.

An ACT for the Relief of Benjamin Horton.

Passed March 11, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the superintendent of the Onondaga salt-springs, to lease, for the term of twenty-one years, a certain piece of land, part of the salt reservation, commonly so called, which is now in the possession of Benjamin Horton, by virtue of a permit formerly obtained from a superintendent of said salt-springs, for such annual rent as in the opinion of said superintendent will be just and reasonable; for which rent said superintendent shall be answerable to the people of this state, as for other money coming into his hands as superintendent of said salt-springs: *Provided however,* That the lease hereby allowed to be granted, shall not be for more than twenty-five years, and shall not interfere with the improvement of any other person.

[*Note.*—The act relative to the Salt Springs, is in V. N. & W. v. 1. 559.]

CHAP. XXXIX.

An ACT to Incorporate the Williamsburgh Turnpike Road and Bridge Company.

Passed March 11, 1814.

Corporation
created and
powers de-
clared,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That James Homer Maxwell, Marinus Willett, John Skilman, John Ebbetts, Nathaniel Richards, Moses Judah, David Dunham, John Graham, Gilbert Aspinwall, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road from Williamsburgh, in the county of Kings, on the East-river, to the place where the Newtown road falls in with and intersects the Brooklyn, Jamaica, and Flatbush turnpike road, near the village of Jamaica, by the nearest, most direct and practicable route, as circumstances will permit, and for erecting and building a bridge or bridges over such part of Newtown creek, as shall intersect said road, shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name of "The president and directors of the Williamsburgh turnpike road and bridge company," and by that name they and their successors, shall have continual succession, and shall forever by that name be capable in law to purchase, have, hold and enjoy, and retain to them and their successors forever, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, to the amount of thirty thousand dollars; and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places whatsoever: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the ends of the said corporation so as above enacted and made.

General
power.

Proviso.

Commission-
ers appointed

II. *And be it further enacted*, That David Dunham, John Graham, Gilbert Aspinwall, John Ebbetts, Moses Judah, John Skilman and Nathaniel Richards, be and they are hereby appointed commissioners to do and perform the several duties of commissioners as prescribed in and by the act, entitled "an act relative to turnpike companies," passed March thirteenth, one thousand eight hundred and seven.

Other com-
missioners
appointed
for other
purposes.

III. *And be it further enacted*, That William Bridges, Richard M. Woodhull and Charles Brown, shall be and are hereby appointed commissioners for laying out the said road, subject to the directions, regulations and restrictions in all respects, as are prescribed in and by the said act, entitled "an act relative to turnpike companies," herein before referred to, and execute do and perform all the duties, matters and things in that behalf therein mentioned.

Bridges to be
of certain di-
mensions, &c.

IV. *And be it further enacted*, That the said bridge or bridges, shall be at least twenty-four feet wide, with a good and sufficient railing thereon, and covered with plank, not less than three inches thick; and it shall be the duty of the said company, at all times to keep and maintain said bridge or bridges so to be built and erected, and such causeways as they shall make, in good and sufficient repair.

V. *And be it further enacted*, That the capital stock of said company, shall be divided into twelve hundred shares, and the amount to be paid for each share or subscription, shall be twenty-five dollars; and that if the said twelve hundred shares shall be found insufficient to complete the said road, bridge or bridges, toll-houses and every other matter and thing prescribed to be done and performed in and by the said act so before referred to, entitled "an act relative to turnpike companies," then and in such case it shall be lawful for the president and directors of said company, in order to complete the said road, bridges, and every thing appertaining thereto, to increase the stock of the said company, and call upon the stockholders to pay a further sum, not exceeding twelve dollars and fifty cents, upon each and every share of the said stock.

Capital stock of corporation.

Authority to increase the stock

VI. *And be it further enacted*, That as soon as the said road and bridge or bridges, if more than one bridge shall be found necessary, shall be completed, the company hereby incorporated, shall be entitled to exact and receive as a toll, at a toll-gate to be erected on said road, at such place as the commissioners herein appointed shall think proper, from every person using the same, as follows, to wit: For every score of sheep or hogs, five cents; for every score of cattle, horses or mules, eight cents; and so in proportion for a greater or less number; for every horse or mule and rider, or led horse or mule, three cents; for every chair, chaise, gig or sulkey, drawn by one horse, eight cents; and for every additional horse, four cents; for every coach, coachee, chariot, phaeton or curricule, drawn by two horses, sixteen cents; and for every additional horse, four cents; and for every cart, stage-waggon, or other four-wheeled carriage not before mentioned, drawn by two horses, mules or oxen, six cents; and for every additional horse, mule or ox, two cents; for every cart, waggon, sleigh or sled, drawn by one horse or mule, three cents; for every sleigh or sled drawn by two horses, mules or oxen, four cents: *Provided* always nevertheless, That the said company may commute with any person or persons for the privilege of using the said road by the year on for any less time.

Rates of toll.

Proviso.

VII. *And be it further enacted*, That the said company shall be entitled to exact and receive, as toll of said bridge or bridges, at a gate to be erected at the west end of the bridge nearest to Williamsburgh, from every person using and passing the same—for every score of sheep or hogs, ten cents; for every score of cattle, mules or horses, twenty cents; for every cart drawn by one horse, four cents; for every phaeton, chariot, coachee or coach, nineteen cents; for every four wheeled pleasure carriage, drawn by two horses, eight cents; for every stage or common waggon, drawn by two horses, six cents; for every sleigh, drawn by one or two horses, six cents; for every chair, chaise, gig or sulkey, eight cents; for every cart drawn by two oxen, mules or horses, six cents; and for every additional ox, horse or mule to the aforesaid carriage, three cents; for every horse or mule and rider, or led horse or mule, five cents; for every foot passenger, two cents. And it shall and may be lawful for the said toll gatherer at the said bridge, to stop any person leading or driving any horses, cat-

Further rates of toll.

Power of toll gatherer.

tle, sheep, hogs, sulkey, chair, gig, chaise, phaeton, or any other carriage of burthen or pleasure, or any foot passenger, from passing the said gates, turnpike, road, bridge or bridges, until they shall have respectively paid the toll as above specified.

Penalties for
injuring
bridge, &c.

VIII. *And be it further enacted*, That if any person or persons shall wilfully or maliciously do, or cause to be done, any act whatsoever whereby the said bridge or bridges, or any thing appertaining thereto, shall be impaired, weakened or in any wise injured, the said person or persons so offending, shall forfeit and pay to the said company, treble the amount of damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, in an action of trespass in the name of the treasurer of the said company, to their use, in any court having cognizance thereof, which action shall in every respect be considered as transitory in its nature.

Penalty on
toll gatherer
for delay &c.

IX. *And be it further enacted*, That if any toll gatherer, shall unreasonably delay or hinder any traveller or passenger at the toll gate of the said bridge or bridges, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of twenty five dollars, for the sole use of the person so unreasonably delayed or hindered.

Rates of toll
to be affixed
at the gates
&c.

X. *And be it further enacted*, That before any toll shall be received by the said company from any person or persons for using and passing the said bridge or bridges, they shall cause to be affixed in a conspicuous manner, at or by the gate of said bridge, a printed list of the rates of toll which may be lawfully demanded.

Penalty for
passing toll
free when not
entitled to it.

XI. *And be it further enacted*, That if any person or persons shall with his team, carriage, horse or otherwise, pass the gates of said bridge or bridges so to be erected as aforesaid, under a pretence that such person or persons is privileged to pass free of toll; and who shall not be entitled to such privilege, every such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in the manner directed by this act.

Power in cor-
poration to
lessen the
toll.

XII. *And be it further enacted*, That it shall and may be lawful for the said president and directors at any time hereafter, should they deem it necessary and expedient, to decrease and lessen the rate of toll to be received in manner aforesaid, and also to remove the said gate or gates to such place or places on the said road as they may deem expedient.

Act declared
a public act.

XIII. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose therein intended.

[Note.—Add this law to the table of Turnpike Roads—V. N. & JV. v. 2. 559.]

CHAP. XL.

An ACT for the relief of the heirs of John Nickla, deceased.

Passed March 11, 1814.

Enacted.

WHEREAS it is represented to the legislature, that John Nickla, late of Rhinebeck, in Dutchess county, deceased, while living made a parole contract with one Christian Schell, of said

Rhinebeck, to purchase of him for the consideration of three thousand and ten dollars, a certain piece of land lying in Clinton, in Dutchess county, containing about eighty six acres, bounded north by a piece of land of which the said John Nickle died seised, east by Crom-elbow creek, south by the land of Asahel Armstrong, and west by the land of John R. Hughes; and that after the death of the said John Nickle, deceased, his two sons, George Nickle and John Nickle, took administration on his estate and incautiously agreed with said Schell, to pay him the said consideration out of the personal estate of which the said John Nickle deceased died possessed, and to take a deed of said land executed by said Schell, to themselves and the other heirs of the said John Nickle deceased, among whom are Mary Nickle, Christina Nickle, Wyan Nickle, Rosetta Nickle, Catherine Nickle, William Henry Nickle, Anna Maria Nickle, and Rebecca Christina Nickle, who are infants; and that the personal estate left by the said John Nickle deceased is not sufficient to pay said sum to said Schell, and to pay the debts due from the said John Nickle, deceased, and that the said administrators are much embarrassed in consequence of taking said deed from said Schell in the manner in which the same is done: but that they cannot extricate themselves from the difficulty in which they are placed, as the infancy of the persons before named renders it impossible either to rescind the said contract with said Schell, or to make sale of said land. *And whereas* it is also represented that the real estate, of which the said John Nickle deceased, died seised, consists of lots and buildings which cannot be divided among his numerous heirs without great prejudice to said infants and the others entitled to the same, and that the same cannot be sold, by reason of the infancy of the persons as before mentioned, but that if the same could be sold without partition, the full value might be obtained for the same, and all the heirs of the said John Nickle, deceased, might be much benefitted thereby: Therefore,

Further recital.

Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That Peter Brown, of Rhinebeck, aforesaid, guardian to the said Mary Nickle, Christina Nickle, Wyan Nickle and Rosetta Nickle, and Christopher Hughes of said Clinton, guardian to the said Catharine Nickle, and William Henry Nickle, and Jacobus Echert, of Rhinebeck, aforesaid, guardian to the said Anna Maria Nickle, and Rebecca Christina Nickle, be and they are hereby authorised to sell and convey, for the best price they can obtain, all the estate and interest which said infant heirs own in any part of the real estate whereof the said John Nickle, deceased, died seised; and also all such estate and interest as said infant heirs own in the aforesaid piece of land, of which said Schell executed a deed to them and others as before mentioned, which conveyance shall be effectual to vest a title in the purchaser or purchasers in all respects as if said infants were of full age and executed deeds themselves. *Provided,* That no such sale shall be made or conveyance executed for any of said lands or real estate until the approbation of the chancellor of this state be obtained to the same, nor until the said guardians shall have respectively executed bonds to said infants in such sums.

Guardians authorized to sell certain real estate.

Provided.

and with such sutetia as the said chancellor shall approve, well and faithfully to account to the said infant heirs, their heirs, executors or administrators, or any person or persons legally authorised to require the same for the monies which they may respectively receive in payment for said land, or any part thereof; which said bond shall be deposited with the register of the court of chancery, for the benefit of the said infants: *Provided*, That nothing contained in this act, shall in any wise impair or affect the rights of the landlord under whom the said lands or any part thereof are now held.

[*Note.*—The recital sufficiently explains the object of this act.]

CHAP. XLI.

An ACT to divide the town of Leicester, in the county of Genesee, into two towns.

Passed March 11, 1814.

Town of
Perry created.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the said county of Genesee, beginning at a point on the south line of the town of Caledonia, due north from the northeast corner of the Ogden tract, thence south to and along the east line of said tract dividing the same from the Tuskarora tract, (so called) thence south to the Genesee river, thence up said river to the north line of the county of Allegany, and then west along the said line to the transit line, then north along the transit line, to the southwest corner of the town of Le Roy, thence east to the place of beginning, shall be erected into a separate town by the name of PERRY; and that the first town meeting thereafter, shall be held at the dwelling house of Peter Beebe, Junior; that from and after the passing of this act, all the remaining part of the said town of Leicester, shall be and remain a separate town by the name of Leicester, and that the first town meeting thereafter shall be held at the dwelling house of Leonard Stimsons.

Residue of
the territory
called Le-
icester.

Poor monies
to be divided.

II. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns, shall by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Leicester, and the poor money belonging to the same previous to the division thereof, agreeable to the then last tax list, and that each town shall forever thereafter maintain their own poor.

[*Note.*—The original bounds of Leicester are set forth in V. N. & W. vol. 2, 116.]

THIRTY-SEVENTH SESSION.

45

CHAP. XLII.

An ACT to Incorporate the Poughkeepsie Lancaster School Society.

Passed March 11, 1814.

WHEREAS John Reid, Cornelius C. Cuyler, Lewis Leonard ^{Recd.} and others, have associated themselves for the laudable purpose of establishing a school in the village of Poughkeepsie, for the diffusion of common education : *And whereas* the said persons have presented a petition to the legislature, setting forth the benefits which would result to society from such an institution, and the advantages of appropriating to the uses thereof the monies arising from the distribution of the school fund in the village of Poughkeepsie : Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That John Reid, Cornelius C. Cuyler, Lewis Leonard, and all such other persons as now are or shall hereafter become members of the said society, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Poughkeepsie Lancaster School Society", and by that name they and their successors forever hereafter, shall and may have succession ; and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and that they and their successors by their name shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real or personal, whatsoever of what nature and quality whatsoever, to the use of them and their successors : *Provided always,* That the yearly income of the real and personal estate and hereditaments held by the said corporation, do not nor shall not at any time exceed the sum of five thousand dollars ; and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall judge most beneficial, and also to dispose of all such personal estate at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of the said institution.

Corporation erected and general powers.

Proviso.

II. *And be it further enacted,* That there be forever hereafter, seven trustees of the said corporation, who shall conduct and manage all the affairs thereof : and that the said trustees shall be members of the said corporation, and the first trustees of the said corporation, shall be John Reid, Cornelius C. Cuyler, Lewis Leonard, William Emott, James Wilson, George Bleom and Parachute Potter, who shall hold their offices until the first Monday of May next, and the trustees of the said corporation for the time being, shall have power to establish one or more schools in the village of Poughkeepsie, for the purposes aforesaid, whenever the members of the said corporation at a quarterly meeting by a majority

Seven trustees to manage affairs.

Their powers.

of them shall judge it expedient, for the more fully extending the benefits of education, agreeably to the benevolent design of the said corporation; and for keeping up the succession in the said offices,

When and how to be chosen.

Be it further enacted, That on the first Monday of May next ensuing, and yearly and every year forever thereafter on the first Monday of May, there shall be a general meeting of the members of the said corporation, at some convenient place in the said village of Poughkeepsie, to be fixed by the by-laws of the said corporation; and by a majority of such of them as shall so meet, they shall by ballot elect seven of their members to be trustees of the said corporation for the year then next ensuing, and the said trustees shall have power to choose out of their own number a president, a treasurer and a secretary, who shall immediately enter on their said offices, and hold the same from the time of such election for and during the space of one year, and until others be elected in their stead; and in case of any of the persons so elected to be trustees of the said corporation shall die, or resign, before the time of their appointed service expires, or shall refuse or neglect to act in or execute the said office, then and in every such case, the remaining trustees of the said corporation shall, within ten days thereafter, by ballot elect another or others of the members of the said corporation in the stead of him or them so dying, resigning, refusing or neglecting to act; and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election, until the first Monday in May then next ensuing, and until another or others shall be chosen in their stead: *Provided always, and be it further enacted*, That at each first meeting of the said trustees after every annual election, it shall be in their discretion to appoint, out of the members of the said corporation, an additional number of trustees, not exceeding four.

Officers to be chosen by them.

Vacancies how filled.

Previous.

Trustees to meet monthly by.

Power to make by-laws.

Other powers.

Teachers, inspectors and officers, how to be appointed.

III. *And be it further enacted*, That the trustees of the said corporation shall regularly meet on the first Monday in every month, and at such other times as they may judge proper and expedient, and that four or more of the said trustees so met, shall forever thereafter be a legal meeting of the said corporation; and that at any and every such meeting, it shall be lawful for them or a majority of them, to make all such by-laws, rules, and regulations for the government and regulation of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite to promote the designs and intent of establishing this corporation, and the same or any part of them, to alter, amend or repeal from time to time as they or a major part of them may think fit; and shall have power, whenever they may judge it necessary to call a general meeting of the members of the said corporation, who may adjourn from time to time as to them shall seem proper.

IV. *And be it further enacted*, That the said trustees at a stated meeting, shall and may nominate and appoint one or more teachers or instructors, to take charge of the school or schools under the care and direction of the said corporation, and also appoint such

other officers or servants as they may think necessary, and to allow and fix their respective compensations, and such teachers, instructors, officers or servants, or any of them, at their pleasure to dismiss and discharge and another or others in their stead to appoint.

V. *And be it further enacted*, That any person who shall contribute to the benefit of the said society the sum of fifteen dollars, shall thereupon be a member thereof, and shall be entitled, during the life of such contributor, to send one child to be educated gratuitously at any school under the care and direction of the said society, subject nevertheless to the by-laws, rules and regulations of the said corporation: *And further*, That any person who shall contribute to the benefit of the society any sum of money not less than five dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to the members thereof by this act, and none others but contributors to the said society as aforesaid, shall be deemed members thereof.

What to entitle a person to be a member of the corporation.

VI. *And be it further enacted*, That the commissioners of common schools for the town of Poughkeepsie, shall pay to the trustees of the said corporation, out of the sum or sums of money which have arisen or which from time to time hereafter may arise from a distribution of the school fund, and from the sum or sums of money which have or shall from time to time hereafter be raised by the said town of Poughkeepsie, in pursuance of the act, entitled "an act for the establishment of common schools," passed the nineteenth day of June, one thousand eight hundred and twelve, such part or portions thereof, which the said village of Poughkeepsie may or shall be entitled to receive by virtue of the said act; and it shall not be necessary or lawful for the said commissioners to divide that part of the said town of Poughkeepsie, which is comprised within the limits of the said village, into school districts in pursuance of the aforesaid act; and in order that the commissioners of schools may be enabled to ascertain and set apart the monies to be paid to the trustees aforesaid:

Commissioners of common schools to pay trustees certain monies.

Be it further enacted, That the said trustees shall, on or before the first day of May next, and on or before the first day of May in every year thereafter, ascertain and report to the commissioners of the town of Poughkeepsie, the number of children within the village of Poughkeepsie from five to fifteen years inclusive, which report shall have the like force and effect as to the division and distribution of the school monies, as is given to the reports of the trustees of schools, in and by the act for the establishment of common schools.

Trustees to report the number of children in Poughkeepsie.

VII. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall any non-use of the privileges hereby granted to the said corporation, create or produce any forfeiture of the same, and no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided*, the corporation be sufficiently described to ascertain the intention of the parties.

Act declared to be a public act.

Act subject
to repeal, &c.
by the legis-
lature.

VIII. *And be it further enacted*, That this act may be repealed at any time, or the provisions thereof may be at any time altered or modified as the legislature may think proper.

[*Note.*—The Lancaster system of education, has deservedly been encouraged and patronized. Similar acts of incorporation have been passed for Albany, &c.]

CHAP. XLIII.

An ACT authorising the Judges of the court of Common Pleas, of the county of Putnam, to lay out the Gaol Liberties in said county.

[Passed March 18, 1814.]

Judges to
lay out gaol
liberties in
Putnam.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the judges of the court of common pleas of the county of Putnam, immediately to lay out the gaol liberties in said county; and that it shall be lawful for the sheriff of said county, to admit to such liberties, pursuant to the directions of the act in like cases made and provided, all debtors in his custody, any thing in any act to the contrary notwithstanding.

[*Note.*—The act as first passed, was returned by the council of Revision, as being too obscurely drawn.—It was then amended and passed in its present form.—Putnam was erected as a county, June 12, 1813—Sess. 35. ch. 143.—The prisoners were by that act, (section 9, 10,) directed to be kept in the gaol of Dutchess county, until the gaol for Putnam should be completed.—That having now been done, this act became necessary for the convenience of the prisoners, &c.]

CHAP. XLIV.

An ACT to amend the act, entitled "an act to Incorporate the Utica Whitlowl Society."

Passed March 18, 1814.

Racial.

WHEREAS doubts have arisen, whether the directors heretofore elected by the stockholders of the said society were legally elected, and also whether an election of directors of the said society can now be lawfully made,

Certain acts
and appoint-
ments con-
firmed.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the directors heretofore chosen by the said stockholders, to wit: Oliver Wolcott, Peter G. Stuyvesandt, Barent Gardenier, William Bridges and Casper W. Eddy, shall be deemed and taken to have been lawfully appointed and chosen; and that all acts and things, by them as such directors heretofore done, consistently with the powers and duties of such directors, shall be deemed and taken to be good and valid to all intents and purposes whatsoever.

Power to ap-
point a day
for holding
election.

II. *And be it further enacted*, That the said directors, or a majority of them, shall have power to appoint a day for the election of directors, on or before the first day of June next, at such time and place within this state, as they or a majority of them, shall see fit to appoint; and that the directors thereupon chosen, shall be and continue directors until the first Monday in December next;

82 which last mentioned day, and annually on the first Monday of December in every year thereafter, the directors of the said corporation shall be chosen, as in and by the said act hereby amended is authorised and directed; and that until the first election of directors hereby authorised shall take place, the persons above named shall and may continue to act as directors of the said corporation.

[*Note.*—The *Urtica Whilowi* Society, was incorporated April 12, 1813.—Sess. 36 ch. 192.—It had for its object, the encouragement of manufacture from a plant, a native of this state, called the *Urtica Whilowi*, which had been discovered by Charles Whitlow, to be an useful substitute for *hemp* and *flax*.—The plant was called *Urtica Whilowi*, in honor of its discoverer.—The recital to this act sufficiently explains its object.]

CHAP. XLV.

An ACT to enable the Trustees of the Methodist Episcopal Church, in the City of Albany, to sell a certain lot of Land and the building thereon.

Passed March 18, 1814.

WHEREAS the trustees of the Methodist Episcopal Church, ^{Recital} in the city of Albany, by their petition have represented to the legislature that the said church is duly incorporated according to law, and is possessed of a certain lot of ground, situate in Pearl-street, in the city of Albany, with a building or messuage thereon, which was formerly used as the place of public worship of the said church; that they have recently obtained a site for a larger church in Division-street, in said city, and have erected and completed thereon a convenient and suitable building for the accommodation of the people belonging to said church at a heavy expense; that the petitioners are desirous of selling the lot and building originally occupied by them, and of applying the proceeds thereof to the payment of the debts of the said church, accrued in consequence of building the aforesaid new church; and inasmuch as the said church is poor, and the process of obtaining permission to sell and of selling under an order of the court of chancery, is dilatory and expensive, and would retard the beneficial objects which they have in view, they have prayed the legislature to pass a law authorising them to sell and dispose of the lot of land and building in Pearl-street, first above mentioned, and to apply the proceeds to the payment of the debts incurred in building the new church above mentioned; and the prayer of the said petition appearing reasonable: Therefore,

Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of said church, to sell, dispose of and convey, in fee simple, all that certain lot of land, with the building thereon, situate, lying and being in Pearl-street, in the second ward of the city of Albany, formerly occupied by the said church as a place of public worship, and to give a good and sufficient conveyance to the purchaser or purchasers thereof; and to apply the consideration ^{Proceeds} ~~pro-~~

Laws.—S: 37.

Trustees authorised to sell certain real estate.

Proceeds how to be applied.

nies thereof to the extinguishment of the debts of the said church, and to such other beneficial purposes of said church, as may be deemed most conducive to its prosperity and welfare.

[*Note.*—By the 11th section of the act “to provide for the incorporation of religious societies,”—V. N. & W. v. 2. 218, the chancellor is authorized under certain circumstances, to make an order for the sale of any real estate belonging to any such religious incorporation.—The recital to this act, of March 18, 1814, explains the reason for not resorting to that mode of proceeding.]

CHAP. XLVI.

An ACT to alter the time of holding the January and May terms of the courts of Common Pleas and General Sessions of the Peace of the county of Ulster.

Passed March 18, 1814.

Terms of
Ulster com-
mon pleas
altered.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter, the January term of the court of common pleas of the county of Ulster, shall begin and be held on the second Tuesday of December in every year; and that the May term of the said court, and of the general sessions of the peace of the said county, commencing on the first Tuesday in May, shall begin and be held on the third Tuesday in April in every year; and that any writs which now or hereafter may be issued, returnable on the first Tuesday of May next, shall be deemed and taken to be returnable on the second Tuesday of April and shall be as valid to all intents and purposes, as if this act had not been passed.

[*Note.*—This act ought to be noted in V. N. & W. v. 2. 143.—There appears some obscurity in the present act—As the terms of the court are thereby altered, it would seem to have been more correct in adapting the names of the terms to the names of the months in which they are to be held.]

CHAP. XLVII.

An ACT dividing the Town of Hopkinton, in the County of St. Lawrence.

Passed March 18, 1814.

Town of Pa-
rishville e-
rected.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Hopkinton, in the county of St. Lawrence, which on the map of this state is known by the townships of Sherwood, Harewood, Granshuck, Matildavale, Wyck, Cookham and the west third part of the township of Catharineville, in great tract number two, of Macomb's purchase, shall be and is hereby erected into a separate town by the name of Parishville; that the first town-meeting shall be held at the dwelling house of Thomas C. Colburn, in said town, which town-meeting it shall and may be lawful to hold on the first Tuesday of April next; and that all the remaining part of the said town of Hopkinton, shall be and remain a separate town by the name of Hopkinton.

Residue of
territory to
be called
Hopkinton.

II. And be it further enacted, That any monies in the hands of the poor-masters of the town of Hopkinton, shall be divided between said town and the town of Parishville, in proportion to the taxable inhabitants of said towns respectively : and it shall be the duty of the poor-masters of the said town of Hopkinton, to pay over said money in the said proportion, to the poor-masters of the said town of Parishville, hereafter to be chosen.

Poor monies
to be divided.

[*Note.*—The original bounds of Hopkinton, are to be seen in V. N. & W. v. 2. 95.]

CHAP. XLVIII.

An ACT for the Relief of the actual settlers on the Northwest part of the Oneida Reservation, in the Town of Sullivan, County of Madison, and for other purposes.

Passed March 18, 1814.

WHEREAS the settlers on the northwest part of the tract of land belonging to the people of this state, in the Oneida Reservation, in the town of Sullivan, in the county of Madison, have by reason of the failure of their crops for several years past, and of the sickness which has been prevalent amongst them, occasioned by the stagnant waters in the vicinity, and the lowness of the country they inhabit, become unable to meet the payments due from them to the people of this state for their lands : Therefore,

Recital.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the interest due on the first day of March, one thousand eight hundred and fourteen, on the following lots in the northwest part of the Oneida Reservation, be and the same is hereby remitted, to wit :—On lots number one, three, four, five, twenty-nine, thirty, forty-four forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-nine, sixty, sixty-one, sixty-two, seventy-one, seventy-five, seventy-six, seventy-eight, eighty-four, ninety-seven, ninety-nine, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, and the payment of the principal due on said lots is hereby suspended for four years from the first day of March aforesaid,

Payment of
principal and
interest on
certain lots
suspended
for 4 years.

II. And be it further enacted, That it shall be the duty of the surveyor-general to receive the necessary proof of the actual residence of the settlers aforesaid, and cause the same to be entered on the treasurer's books accordingly.

Duty of surveyor-general as to proof.

III. And be it further enacted, That the time for application for the pre-emption right to the occupants of lots number seventy-six and seventy-seven in east, and lot number fourteen in west Cayuga reservation, be and is hereby extended to the first day of January next.

Time to apply for pre-emption rights extended.

[*Note.*—The liberality and magnanimity of this state, are to be seen from the recital.]

CHAP. XLIX.

An ACT to prevent Foreigners from becoming Insurers in certain cases in this state.

Passed March 18, 1814.

Recital.

WHEREAS a certain company or association of persons in England, under the name of the "Phoenix Insurance Company," have appointed agents and established offices in this state, for the purpose of making insurance in this state, on behalf of the said English company or association: Therefore,

Foreign insurance against fire prohibited.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly,* That it shall be unlawful for any person residing in any foreign country, or for any association or company of persons, residing in any foreign country, or for any incorporation established in any foreign country, or for any person, whomsoever, on behalf of any such person, association, company or corporation, directly or indirectly, to make any contract of insurance, or by way of insurance, against loss or injury by fire, upon any house, building or goods, situated or being in this state.

Penalty for violating this act.

II. *And be it further enacted,* That if any person or persons shall, after the first day of May next, make or shall attempt to make, any contract of insurance, or by way of insurance, upon any house, building or goods, situated or being in this state, against the intention of this act, every such person shall forfeit and pay one thousand dollars for every offence, to any person who shall sue for the same, to his own use.

[*Note.*—As during a state of war, foreigners, especially *alien enemies*, could not be coerced by any of our courts of justice to the performance of their contracts, this act, for this among other reasons, was adopted by the legislature.—It is proper to mention that chancellor Kent *dissented* to its passage in the council of revision.]

CHAP. L.

An ACT to Incorporate the Globe Insurance Company.

Passed March 18, 1814.

Recital.

WHEREAS John Hone, Gurdon S. Mumford, William Irving, Samuel M'Coun and others, associated as a company under the name of "The Globe Insurance Company," for the purpose of carrying on the business of insuring against loss by fire, against loss upon the inland transportation of goods and merchandise, and on lives, have by their petition prayed to be incorporated: Therefore,

Corporation created, and general powers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the said John Hone, Gurdon S. Mumford, William Irving and Samuel M'Coun and their associates, and all such other persons as shall hereafter become stockholders in the said company, shall be and hereby are constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Globe Insurance Company," and by that name

they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure: *Provided*, That the legislature may at any time hereafter, by an act for that purpose, limit the duration of the body politic and corporate hereby created, to a period not less than ten years from the passing of such act of limitation.

Proviso.

II. *And be it further enacted*, That the corporation hereby created, shall have full power and authority to insure all kinds of property against loss or damage by fire; to make all kinds of insurance against loss on goods and merchandize in the course of inland transportation, whether happening on the land or on the water; and also to make all kinds of insurance upon life or lives, or in any manner dependant on life or lives; to lend money on bottomry and respondentia, and generally to do and perform all necessary matters and things relating to or connected with these objects, or with either of them; and they may also cause themselves to be insured against maritime risques upon the interest which they may have in any vessels, goods or merchandize, in virtue of any such loans on bottomry or respondentia.

Purposes of corporation and particular powers.

III. *And be it further enacted*, That the capital stock of the said company, shall be one million of dollars, to be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as five hundred thousand dollars on account of the said capital stock, shall have been subscribed and paid for, or satisfactorily secured, to commence their said business, and with that capital to conduct, and carry it on until they shall find it expedient to extend their capital to the amount herein before authorised.

Capital stock

IV. *And be it further enacted*, That the stock and affairs of the said corporation, shall be managed and conducted by thirty directors, who shall be stockholders in the said company, and citizens of the United States, resident within this state; they shall be elected on the first Monday of February in each year hereafter, at such time of the day, and at such place in the city of New-York, as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their place, and no longer; and notice of every such annual election shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city; and every such election shall be held under the inspection of three or more stockholders in the said company not being directors, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share; and stockholders not personally attending, being citizens of the United States, may vote by proxy, such proxy being granted directly to the person representing them at such election; and the first directors of the said corporation shall

Directors, number and when and how chosen.

Voting by proxy.

First directors.

be William Henderson, Henry A. Coster, John Jacob Astor, Benjamin G. Minturn, George Griswold, John T. Lawrence, John Hone, Isaac Iselin, Thomas L. Ogden, William Osborne, Samuel Hicks, Augustine H. Lawrence, William Nielson, Junior, Edward H. Nicoll, Benjamin W. Rogers, Peter Remsen, William Irving, Jonathan Goodhue, James Heard, Amasa Jackson, Garrit Storm, Elias Kane, Peter Schömerhorn, Junior, John Suydam, Nathaniel Prime, Samuel M'Coun, Jonathan Ogden, Gurdon S. Mumford, William Gracie, and Robert Center, who shall continue in office until the first Monday of February, in the year one thousand eight hundred and fifteen.

President to be chosen.

V. *And be it further enacted*, That the directors herein before named shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual elections shall as soon as may be after every election, proceed to choose out of their body, one person to be president, who shall preside until the next annual election thereafter; and in case of the death or resignation of the president, or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions, as the by-laws of the said corporation may provide.

Elections may be held at any time.

VI. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock assignable.

VII. *And be it further enacted*, That the stock of the said company, shall be assignable and transferable according to such rules, and subject to such restrictions, as the board of directors shall from time to time make and establish, and shall be considered personal property.

Powers of the board of directors.

VIII. *And be it further enacted*, That the major part of the directors of the said company, shall constitute a board, and be competent to the transaction of all the business of the corporation, and they shall have power, if done in pursuance of a by-law of the said corporation, to appoint from their own body one or more persons to act or assist in the conducting and management of their business, with such salaries and allowances as they may think proper; also to appoint a secretary, and so many clerks and servants for carrying on their business, as they shall deem expedient; and they shall also have power to declare and make dividends of the profits resulting from the business of the said company, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, the duties, powers and conduct of its officers and servants, the election of directors, the transfer of shares, the management and conducting of its business, and all matters

appertaining thereto : *Provided*, That such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this state, or of the United States. Provide.

IX. *And be it further enacted*, That it shall be lawful for the said corporation, to purchase and hold such and so much real estate as shall be necessary and convenient for the transaction of its business, not exceeding forty thousand dollars in value ; and also take and hold any real estate or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock, or to secure the payment of any debt that may be due to it ; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or other personal property : *Provided always*, That it shall not be lawful for the said corporation, to deal or use or employ, any part of their stock, funds or monies, in buying or selling any goods, wares, merchandize or commodities whatsoever, or in any banking operations or business, or in the trade or business of an exchange or stock broker, or in the purchase or sale of any stock or funded debt whatsoever, created or to be created by or under any act of the United States, or of any particular state, nor to emit any notes or bills or make any contract for the payment of money, only except under the seal of the said corporation ; and all such notes and contracts shall to all intents and purposes be taken to operate as specialties at law, but that it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt as last aforesaid, for the purpose of vesting any part of their capital stock, funds or monies therein, instead of investing the same in and upon real security ; and also to sell and transfer the same, and again invest the same or any part thereof in the stock or funds, whenever and as often as the exigencies of the said corporation, or a due regard to the safety of its funds shall require ; and also to make loans of their capital stock or funds, on bonds and mortgages, and the same to call in and re-loan on like security as occasion may require. Real estate allowed to be held.

X. *And be it further enacted*, That all policies or contracts of insurance, which may be made or entered into by the said corporation, shall be subscribed by the president or president pro tempore, or by such other officer as shall be designated for the purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor, intent and meaning of such policies or contracts ; and all such policies or contracts may be so signed and attested, and the business of the said corporation may be otherwise conducted and carried on without the presence of a board of directors, by assistants or committees to be appointed for such purposes ; and the acts of such assistants or committees, if done under or in conformity to the by-laws of the said corporation, shall be binding and obligatory upon it to all intents and purposes. Provide, restraining corporation from certain acts.

Policies binding tho' not under seal.

This act a
public act.

XI. *And be it further enacted,* That this act shall be and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose herein intended.

[*Note.*—This act should be noted in the table of incorporations in New-York.—
V. N. & W. v. 2. 568.]

CHAP. LI.

An ACT to Incorporate the Washington Insurance Company, of the City of New-York:

Passed March 18, 1814.

Recital

WHEREAS the President, Directors and certain other inhabitants of the city and state of New-York, have long since associated as a Company, for the laudable and useful purpose of assuring buildings against fire, by the name of "The Washington Mutual Assurance Company of the City of New-York." *And whereas,* they have represented in their petition addressed to this Legislature; that the enlarging the powers of said company, would be more beneficial to its members, and be productive of more extensive benefits to the community, and would the better enable it to effect those salutary purposes, for which such an association is formed: Therefore,

Corporation
created and
general pow-
ers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the present Directors and all such other members of "The Washington Mutual Assurance Company of the City of New-York," as may associate with them for the purpose; and their successors shall and are hereby declared to be a body corporate and politic, in name and in fact, by the name and style of "The Washington Insurance Company of the City of New-York;" and that they and their successors, by such name, shall have power, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever; and also, of contracting and being contracted with, relative to the purposes and business for which the said corporation is hereby created, as hereafter declared: And the said corporation shall and may have a common seal, and may destroy, and renew, or alter the same at their pleasure.

Purposes of
corporation.

II. *And be it further enacted,* That the corporation hereby created, is so created for the sole purpose, and shall have power and authority to make contracts of insurance, with any person or persons, body politic or corporate against losses by fire, of houses or buildings whatsoever, and of any goods chattels or personal estate whatsoever, for such term or terms of time, and such premium or consideration, and under such modifications and restrictions as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance.

Capital stock

III. *And be it further enacted,* That the capital stock of the said corporation hereby created, shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, and the whole of the said shares shall be subscribed and actually paid

or satisfactorily secured to be paid, before the said corporation shall be authorised to make any policy, or contract of insurance, with any person as an insured.

IV. *And be it further enacted,* That all the funds of the present "Washington Mutual Assurance Company of the City of New-York," shall be, and hereby are declared to be vested in the corporation, hereby created; and that the said corporation shall assume all risks on policies of assurance against fire, made by the said Washington Mutual Assurance Company of the City of New-York, with any person or persons, and to which risks the said Company may be liable, by virtue of policies entered into for the same, and unexpired at the time the corporation hereby created shall go into operation, and shall in like manner with the said Washington Mutual Assurance Company of the City of New-York, be bound by the terms and agreements contained in the said policies, and shall pay all losses arising on such unexpired policies, and return a fair proportion of the deposits that may have been made at the time of entering into such unexpired policies, agreeably to the principles in which the said assurances were made, the corporation hereby created for all the aforesaid purposes, being in the place and stead of the said Washington Mutual Assurance Company of the City of New-York, and liable to its said responsibilities, and is also hereby invested with such of its powers as may be necessary for perfecting its said unfinished concerns.

Funds of former corporation vested in this, which is made subject to its contract.

V. *And be it further enacted,* That the said corporation hereby created, shall have power to purchase and hold such and so much real estate as shall be necessary and convenient for the use of the said corporation, its officers and servants, for transacting its business, and the accommodation of the persons employed therein, not exceeding in value in the whole the sum of forty thousand dollars: and also to receive, take and hold as mortgage any real estate or chattels real bona fide mortgaged or pledged to the said corporation, or other securities, either to secure the payment of the shares which may be subscribed to make up the capital stock thereof, or to secure the payment of any debt which may become due to the said corporation by any means howsoever; and the said corporation shall also have power to proceed on the said mortgages, or other securities for the recovery of the money thereby secured, either at law or in equity, as any other mortgagee is or shall be authorised to do: And it shall also be lawful for the said corporation to purchase on sales made either by virtue of a judgment at law, or decree or order of a court of equity, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt or sum of money due to the said corporation and to hold such real estate so to be purchased, received or taken, as last aforesaid, until they can conveniently sell and convert the same into money, or other personal property.

Real estate may be held

VI. *And be it further enacted,* That the stock and other property and affairs of the said corporation shall be under the superintendence, management and control of eighteen directors, to be chosen by and selected from among the stockholders for the time

Eighteen directors to be chosen.

being, by a plurality of votes, and the said directors shall be citizens of the United States, resident in this state: And the said directors shall by plurality of votes choose one from among themselves to be their president, which president and the directors shall continue in office for one year, and until others shall be duly chosen to supply their places, and shall enter upon the duties of their said office: *Provided always*, that whenever the said president, or any other of the said directors, shall cease to be stockholders, or shall remove from this state, his or their said office shall cease and determine, and another or others shall be chosen in his or their stead by the directors for the time being, by a plurality of the votes of the said directors, or such of them as shall be present at a meeting of the directors to be convened for that purpose, and in like manner whenever the said president, or any of the said directors shall die, or resign, another or others shall be chosen in his or their stead, as last aforesaid, and the said person or persons to be chosen as aforesaid, shall continue in office until the next election of directors shall be made by the stockholders.

Previous.

Directors when to be chosen.

VII. *And be it further enacted*, That the said eighteen directors to be chosen by and from among the stockholders as aforesaid, shall be chosen annually on the first Tuesday of April, for ever hereafter, during the continuance of the said corporation; and such election shall be held at such time of the day between ten of the clock in the forenoon, and two of the clock in the afternoon, and at such suitable place as the directors or a major part of them regularly convened, shall fix on for that purpose; of which election, and of the time and place, the said directors shall cause public notice to be given in at least two of the public newspapers printed in the city of New-York daily, for not less than seven nor more than fourteen days previous to such election; such election shall be by ballot, and a plurality of the votes of the stockholders, or such of them as shall choose to vote, either in person or by proxy, shall make a choice; each share of the said stock held by the voters to be allowed one vote; and that James Swords, Ezra Weeks, John Clark, Junior, Gerrit H. Van Wageningen, Anthony L. Underhill, John Mowatt, Junior, Nathaniel Richards, James Anderson, Jotham Post, Junior, Augustus Wynkoop, Israel Horsefield, Garrit B. Abeel, Henry Rankin, Leonard Kipp, Andrew Foster, Benjamin Ferris, Gideon Tucker and Matthias Bruen, the present directors of the "Washington Mutual Assurance Company of the city of New-York," shall be the first directors of the company hereby incorporated, and shall continue until the first Tuesday of April, in the year of our lord one thousand eight hundred and sixteen, and until others shall be chosen in their stead.

First directors.

Term of directors.

VIII. *And be it further enacted*, That whenever the president shall not attend a meeting of the directors, if a sufficient number of the directors shall convene to transact business, they shall choose from among themselves a president pro tempore, and the said directors, or any five of them, including the president or the president pro tempore, as the case may be, shall be competent to transact any business, or do any act which the president and directors are by this act authorised to do or perform.

IX. *And be it further enacted,* That the said president and directors for the time being, shall have power and authority to appoint or employ a secretary, and such other officers, ministers and servants, as they may think proper for the transacting of the business and concerns of the said corporation, and to allow and pay them such wages or compensation as they shall think fit; and to vary such allowance and compensation to, and to displace such officers and servants at pleasure, and also to make and establish all such by-laws as they or a major part of them shall think expedient, for the better management and government of the concerns and officers and servants of the said corporation, so that such by-laws be not inconsistent with the constitution and laws of the United States and of this state, and to abolish and alter such by-laws at pleasure, and to declare and make dividends of the profits only accruing to the said corporation by such business as they may lawfully follow and transact among the stockholders, at such times and in such proportions as to them shall seem meet.

Secretary & other officers to be appointed by directors.

X. *And be it further enacted,* That if it should happen, for any cause whatever, that the election of directors should not take place in any year on the day herein for that purpose mentioned, the said corporation shall not, for that reason, be dissolved, but such election may thereafter be held on such convenient day, as may for that purpose be fixed on by the directors, they causing such public notice thereof to be given, as is herein before required for an election on the days herein designated for that purpose.

Election may be held at any day.

XI. *And be it further enacted,* That every policy or contract of insurance to be made by the said corporation hereby created, shall be in writing or print, and shall be under the seal of the said corporation, and shall be signed by the president or the president pro tempore, and attested and signed by the secretary, or the person acting as such for the time being.

Policies binding tho' not under seal.

XII. *And be it further enacted,* That in case any insured, named in any policy or contract of insurance, made by the said corporation hereby created, shall sell and convey or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser, such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his own name: *Provided,* That before any loss happens, he shall obtain the consent of the insurer to such assignment, and have the same endorsed or annexed to the said policy or insurance.

Policies assignable.

Proviso.

XIII. *And be it further enacted,* That it shall be lawful for the said president or president pro tempore, to cause the seal of the said corporation to be affixed to any policy or contract of insurance, and to sign and cause the secretary to attest and sign the same, in such manner as to be valid against and to bind the said corporation, without the presence of such number of directors as is herein before required to transact business: *Provided,* The same is done under and in conformity to a by-law of the said directors, which may be made and ordained for that purpose.

Seal of corporation, when may be affixed.

Proviso.

XIV. *And be it further enacted,* That the corporation hereby created, shall not be concerned in any trade or other business, ex-

Corporation not to trade &c.

Proviso

cept the insurance of property against loss or damage by fire
Provided, It shall be lawful for them to purchase any stock created under the authority or laws of the United States, or either of the said states, to invest its capital, or any part thereof therein, or to take a transfer of any stock or other security for money, for the payment of shares subscribed, or for any debt due or to become due to the said corporation, either before or after they shall commence the business of insurance, and to sell or transfer the same again.

This a public act.

XV. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

Legislature may limit charter.

XVI. *And be it further enacted*, That the legislature may at any time hereafter, by an act for that purpose, limit the duration of the body politic and corporate hereby created, to a period not less than ten years from the passing such act of limitation.

[*Note*.—See note to preceding act.]

CHAP. LII.

An ACT to Incorporate the York and Jersey Steam-boat Ferry Company.

Passed March 18, 1814.

Recital

WHEREAS Cadwallader D. Colden and others, several years ago associated as a company, under the name of The Steam-boat ferry company, and have rented from the mayor, aldermen and commonalty of the city of New-York, and from the associates of the Jersey company, the ferry from the city of New-York to the city of Jersey, commonly designated and known as The Powles Hook Ferry, for the term of eighteen years from the first day of May, one thousand eight hundred and eleven, and have since caused to be built two steam ferry-boats, which are now in operation upon the said ferry, and have prayed to be incorporated, for the purpose of managing and conducting the business and concerns of the said ferry :

Corporation created and general powers

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the said Cadwallader D. Colden, Elisha Boudinot, John N. Cumming and John P. Durand, and such other persons as have or hereafter shall be associated with them, for the purpose of conducting the said ferry, and their successors and assigns, be and hereby are ordained, constituted and declared to be for the purpose aforesaid, a body corporate and politic, in fact and in name, by the name of "The York and Jersey Steam-boat Ferry Company," for the term of fifteen years from and after the first day of May next; and by that name, they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common

seal, and may change and alter the same at their pleasure ; and that they and their successors, by the name of " The York and Jersey Steam-boat ferry company," shall in law be capable of purchasing, holding and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation.

II. *And be it further enacted,* That the capital stock of the said corporation shall not exceed one hundred and twenty thousand dollars, and that a share of the said stock shall be one hundred dollars ; that the persons now holding shares in the company, shall be entitled to subscribe at and after the rate of ten shares of the stock created under this act, for any share he or they may have held at the time of the passing of this act, under the old association ; that the stockholders under this act may be called upon to contribute an additional sum on each share, not however to exceed twenty dollars on each share of the stock to be subscribed in pursuance of this act ; that the stock of the said company shall be deemed and considered personal estate ; and that nothing herein contained, shall authorise and empower the said company to carry on banking business, or to use or employ their funds, or any part thereof, or to permit the same to be used or employed in the purchase of the stock of any bank in the United States, or any other public stock, or for any other purpose, or in any manner whatsoever not herein expressly authorised.

Capital stock.

Persons entitled to subscribe.

Stock deemed personal property. Restrictions as to banking operations, &c.

Directors to be chosen.

First directors.

Directors when and how chosen.

III. *And be it further enacted,* That for the better carrying into execution the affairs of the said company, there shall be for the present five directors, who shall hold their offices for one year from date of the passing of this act, and until there shall be a new election of directors in pursuance of the provisions of this act ; that the first five directors shall be Elisha Boudinot, Cadwallader D. Colden, John A. Cumming, John P. Durand and Anthony Dey, out of which number the said directors at their first meeting shall appoint their president.

IV. *And be it further enacted,* That after the time limited by this act for the continuance in office of the directors hereby nominated and appointed, the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by a board of directors, which shall consist of not less than five nor more than seven stockholders, who shall be annually elected on the first Saturday of May, by a majority of the stockholders who may attend for that purpose, either in person or by proxy, at such place and time of the said day as shall be designated by the directors for the time being, by public notice, to be published in at least one public newspaper printed in the city of New-York, and one public newspaper in the state of New-Jersey, for three weeks before the said annual election, and under such other and further regulations as the by-laws of the said corporation shall and may direct : *Provided,* That in case it should at any time happen, that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation for that cause, shall not be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors in such man-

ner as shall have been regulated by the by-laws and ordinances of the said corporation.

Powers to
make by-
laws.

V. *And be it further enacted*, That the before named directors, or a majority of them, or their successors in office, shall have power from time to time to make, constitute, ordain and establish, all by-laws, rules, ordinances and regulations, touching the election of directors not herein before provided for, and also for the transacting of the business of the said company, and the better regulation and government of the said ferry, not repugnant to the constitution and laws of the United States, or of this state; *Provided*, That the by-laws for the better regulation and government of the ferry, shall after being so made, be forthwith thereafter reported to, and may at any time be repealed by the mayor, aldermen and commonalty of the city of New-York; *And provided also*, That all contracts, encouragements and responsibilities, entered into on the part of the said company, by the directors or a major part of them, and signed by their president, shall be binding on the said company in like manner as any contract would be if made and entered into by any individual.

Proviso.

Further pro-
viso.

Corporation
may erect a
certain build-
ing.

Proviso.

Further pro-
viso.

What per-
sons may
pass free of
ferry charges

Proviso.

Corporation
of N. York
may regulate
the lying, &c.
of vessels, &c.

This a pub-
lic act.

VI. *And be it further enacted*, That this corporation may erect and complete, at the foot of Courtland-street, over or adjoining the steam-boat basin, a wooden building for a ferry-house, any law to the contrary thereof in any wise notwithstanding; *Provided*, That the said building shall be put up with the consent and under the directions of the mayor, aldermen and commonalty of the city of New-York; *And provided also*, That if at any time thereafter, the mayor, aldermen and commonalty of the city of New-York, shall require the same to be removed, this corporation shall remove the same within sixty days thereafter.

VII. *And be it further enacted*, That every person holding twenty shares in the stock of this company, shall be at liberty to pass and repass, with himself, his wife, children, servants, pleasure carriages and horses, free from any charge for ferriage, under such regulations as this corporation may from time to time by by-law adopt; *Provided*, That this privilege shall not extend to permit hackney-coaches or other pleasure carriages, driven for hire or reward, to pass.

VIII. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, shall and may from time to time regulate the lying and mooring of any ship or other vessel in the stream of north or Hudson's river, so as to prevent the same from obstructing the navigation of the ferry-boats in the said river from the city of New-York, to the Jersey shore, opposite to the said city, and to impose such reasonable penalties against the pilot, master or commander, owner or consignee of such vessel, as the said mayor, aldermen and commonalty shall from time to time deem meet and proper.

IX. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed in all courts and places, benignly and favorably, for every beneficial purpose herein contained.

[*Note*.—For a general view of the subject of *Steam-boats, &c.* see the subsequent pages and the *Appendix*.]

CHAP. LIII.

An ACT for the Relief of Aquila Giles.

Passed March 25, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Aquila Giles to sue for and recover in his own name, all such debts as were due and owing to William Axtell, deceased, at the time of his conviction and attainder, which remain unpaid, and to appropriate the monies so collected to his own use: *Provided always,* That nothing herein contained, shall be construed to deprive the defendants in such actions of any legal defence.

A. Giles may collect the debts due W. Axtell.

[*Note.*—Great opposition was made to this bill in the Senate.—Mr. Giles was married to a relative of Axtell, and founded his claim upon that fact, and also that the debts due to Axtell being unknown to the state, no benefit could be derived from that source to the treasury.—This bill is without precedent, yet it appears upon the whole to have been passed from just and humane motives.]

CHAP. LIV.

An ACT to amend an act, entitled "an act to Incorporate the Eastchester Bridge Company."

Passed March 25, 1814.

WHEREAS the president and directors of the Eastchester Bridge Company, have by their petition to the legislature under their corporate seal, prayed that certain amendments may be made to the act whereby they are incorporated: Therefore,

I. **BE it enacted by the People of the state of New-York, represented in Senate and Assembly,** That the persons created a body politic and corporate in and by the act hereby amended, and their successors, shall be and continue a body politic and corporate, by the name and with all the powers and privileges in the said act mentioned, for and during the term of thirty-five years and no longer, any thing in the said act to the contrary thereof in any wise notwithstanding.

Repealed.
Corporation confirmed and continued.

II. **And be it further enacted,** That the seventh section of the said act hereby amended, be and the same is hereby repealed.

7th sec. of former act repealed.

III. **And be it further enacted,** That instead of the toll which by the said act the said company are authorised to demand of all persons passing the said bridge, it shall and may be lawful for the said company to demand and take for the use of the said company for passing the said bridge, a toll not exceeding the following rates, to wit: For every four wheeled pleasure carriage with two or more horses, nineteen cents; for every two wheeled pleasure carriage and horses, ten cents; for every pleasure sleigh and horses, ten cents; for every common waggon and horses, six cents; for every stage-waggon and horses, twelve and an half cents; for every common sled and horses, six cents; for every ox cart and oxen, six cents; for every one horse cart and horse, five cents, and carriages of all kinds, drawn by mules, shall pay the same tolls as if they were drawn by horses; for every man and horse or mule, five cents; for every horse, mule, ox,

Toll which may be demanded.

Power of
toll-gatherer.

Proviso.

Penalty for
injuring the
bridge, &c.

Penalty for
not paying
toll.

cow or steer, one cent; for every dozen hogs, sheep or calves, and so in proportion for a greater or less number, six cents; for every foot passenger, one cent; and it shall be lawful for the toll-gatherer at the said gate, to stop any person or persons from passing through the said gate until they shall have respectively paid the toll herein allowed to be collected: *Provided always nevertheless*, That any troops in the service of this state or of the United States, and all artillery waggons and other carriages and stores of every kind belonging to this state or to the United States, shall be permitted to pass the said bridge free of toll.

IV. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whereby the said bridge to be erected as aforesaid, or any thing appertaining thereto, or the toll-house or gate of the said company shall be destroyed or injured, the person or persons so offending, shall pay and forfeit to the said corporation, double the amount of the damages sustained by such offence or injury, to be recovered by the said corporation with costs of suit, in an action of trespass, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

V. *And be it further enacted*, That if any person or persons shall pass the gate to be erected in pursuance of this act, or shall cause his, her or their horse, carriage, waggon, cart, sleigh, sled, cattle, or other thing or things to pass the said gate without having paid the legal toll therefor, every such person shall forfeit and pay ten dollars for every such offence, to be recovered by the said company for their use, in an action of debt, in any court having cognizance thereof, and which action shall be considered as transitory in its nature.

[*Note.*—The Eastchester bridge company, was incorporated March 6, 1812.—Sess. 35. c. 22—Its charter was originally limited to 30 years.—The 7th section of the act amended, and which is repealed by this emendatory act, required the company to account annually to the comptroller for monies received, expended, &c.—The toll is considerably increased by this act, as will be seen by comparing its 3d section with the 5th section of the original act, but the company are to allow troops, &c. to pass toll free.—[See proviso to section 3.]—The original act did not provide for injuries, &c. done to the bridge, and for frauds, &c. upon the toll-gatherer—this is remedied by section 4 and 5.]

CHAP. LV.

An ACT to alter the bounds of the Towns of Taghkanick, Ancram and Livingston, in the county of Columbia.

Passed March 25, 1814.

Bounds of
Taghkanick,
Ancram and
Livingston.

1. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That all that part of lots number one and two, in the division of the Manor of Livingston, lying easterly of a straight line running from the north east corner of the dwelling house of Frederick Hawser, in the town of Claverack, to Roeliff Jansens-kill, striking the northeast corner of the house wherein Thomas Swart formerly lived, shall be known and called by the name of Taghkanick; that all that part of lots num-

ber three and four, in the said division, lying easterly of the said line, shall be a town by the name of Ancram; and that the residue of the said Manor of Livingston, shall be a town by the name of Livingston.

II. *And be it further enacted*, That so much of the act, entitled "an act to divide the counties of this state into towns," passed 12th April, 1813, as relates to the premises mentioned in this act, be and the same is hereby repealed. Part of a former act repealed.

[*Note*.—See original bounds of Ancram and Livingston.—V. N. & W. v. 2. 64. 65. *Taghtanic* is a new town, created by this act, and was formerly included in the town of Granger.—See V. N. & W. v. 2. 64.]

CHAP. LVI.

An ACT for determining the true boundary of a part of Scriba's Patent.

Passed March 25, 1814.

WHEREAS John W. Bloomfield, Henry R. Storrs and Fortune C. White, have by their petition represented that in consequence of a mistake in the letters patent issued to George Scriba, for a certain tract of land, purchased by the said George Scriba of the people of this state, and situated in the county of Oneida, the said petitioners who have purchased a part of the said lands lying on the eastern boundary of said patent, of the said George Scriba, have no legal title to the same: *And whereas* it appears that the contract with the commissioners of the land-office, made by the said George Scriba, for the purchase of the tract of land called Scriba's patent, bounded the said lands on the east by the Canada creek and Oothoudt's patent, and in the return of survey, the east bounds of the tract was made to run from the northwest bounds of Fonda's patent, which is the same as the southwest corner of Machin's patent, on a course calculated to be the same as the west bounds of Machin's and Oothoudt's patent; but the northwest corner of Fonda's patent having been established by subsequent surveys further to the west, than the place assumed in the calculation, the consequence is, that the course given for the east bounds of Scriba's patent, will not coincide with the west bounds of Machin's and Oothoudt's patent, as was intended by the contract, but have a space or gore between them: *And whereas* it will therefore comport with justice to grant the relief prayed for by the said petitioners, by authorising such a construction of the letters patent granted to George Scriba, as that the course from the northwest corner of Fonda's patent, to the northwest corner of Oothoudt's patent, shall be considered as running along the west bounds of the lands patented to Thomas Machin and Henry Oothoudt: Therefore,

I. *BE it enacted and declared by the people of the state of New-York, represented in Senate and Assembly*, That the eastern boundary line of Scriba's patent, in the letters patent conveying the said lands to the said George Scriba, shall be deemed, adjudged and construed to commence at the northwest corner of Fonda's patent, and run Eastern boundary of Scriba's patent declared.

from thence along the western boundaries of Machin's and Oothoudt's patent; and the said letters patent issued to the said George Scriba, shall be deemed, adjudged and construed in such manner, so as to make the eastern boundary of Scriba's patent, the western boundary of Machin's and Oothoudt's patent.

Certain land declared to be vested in G. Scriba, his heirs and assigns.

II. *And be it further enacted*, That all the right, title and interest of the people of the state of New-York, of in and unto the lands lying west of the true boundaries of Machin's patent and Oothoudt's patent, and east of the lands described in the letters patent to George Scriba, shall be deemed to have been at the date of the issuing of the said letters patent, vested in the said George Scriba, his heirs and assigns.

[*Note*.—This seems to be a declaratory act, and arises from the causes explained in the recital.]

CHAP. LVII.

An ACT to Incorporate the Ursuline Convent of the City of New-York.

Passed March 25, 1814.

Recital:

WHEREAS by a petition presented to the legislature, it is represented that Christina Fagan, Sarah Walsh and Mary Baldwin, have established a school for the education of young females, and that it is one of the objects of the said school to extend the advantage of education to such poor girls as are confided to its fostering care, and who are destitute of the means of acquiring instruction except at the hand of charity: Therefore,

Corporation created and general powers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said Christina Fagan, Sarah Walsh and Mary Baldwin, and such other females as now are or hereafter may be associated with them, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Ursuline Convent of the city of New-York," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever, and may have a common seal, and change the same at their pleasure; and by that name and style be capable in law of purchasing, holding and conveying any estate, real and personal: *Provided* The real estate so held shall not exceed twenty-five thousand dollars in the whole, nor the income of the personal estate two thousand dollars a year.

Proviso.

Power to make by-laws.

II. *And be it further enacted*, That the said associates and their successors, may from time to time make such by-laws, ordinances and regulations, for the appointment of officers, the government of the school, the management of their property, and conducting all their concerns, as to them shall appear proper: *Provided* the same be not inconsistent with the laws or constitution of this state or of the United States.

Proviso.

This declared a public act.

III. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed in all courts

and places, benignly and favorably for every humane, charitable and laudable purpose therein contained; and any bequest, devise or donation to the said corporation within the limits prescribed by this act, shall be valid. Bequests,
&c. declared
valid.

IV. *And be it further enacted*, That this act shall continue and be in force for the term of twenty-one years.

[*Note.*—This is perhaps the first incorporation of a *Convent* in a country decidedly protestant, and evinces the liberality of the legislature—their impartiality and strict compliance with the principles of our government in fostering and protecting all religious denominations, without distinction.—It is a trait in the character of this state, highly worthy of imitation, to guard against all bigotry and religious intolerance.—This act from its title, would seem to warrant something more than the mere establishment of a seminary for education.—It is presumable that it will furnish an asylum to such distressed females as may enter its walls, and become subject to its ecclesiastical discipline.]

CHAP. LVIII.

An ACT for the relief of the President, Directors and Company of the Schoharie-kill Bridge Company.

Passed March 25, 1814.

WHEREAS by an act of the legislature of this state, passed Recital. the twenty-ninth day of March, one thousand eight hundred and eleven, entitled “an act to amend the act, entitled an act to incorporate the Schoharie-kill Bridge Company,” passed the 30th day of March, 1802, and for extending the limits of the road therein mentioned, the said president, directors and company were invested with all the rights, and subject to all the restrictions contained in the act, entitled “an act relative to turnpike companies,” passed the 13th March, 1807, and had caused a turnpike road, granted in the said amended act, to be laid out by commissioners duly appointed for that purpose, and more than ten miles of the said road having been completed, the governor of this state did, on the 13th day of November, 1812, in pursuance of the said “act relative to turnpike companies,” appoint Thomas E. Barker, Stoddard Smith and William Harper, commissioners to inspect that part of the road which was so completed, and on the report of the said commissioners in writing, that the said ten miles of road were completed, according to the true intent and meaning of the act, the governor of this state did by writing under his hand, and the privy seal of the said state, bearing date the twelfth day of January, one thousand eight hundred and thirteen, permit the said president, directors and company, to make and affix one gate and turnpike upon and across the said ten miles of road, and in pursuance of the said permit, a turnpike gate was soon thereafter erected on the said road, and within two miles of the Schoharie-kill bridge, as by the said amended act was authorised, and toll has been received thereat: *And whereas* since the erection of the said gate, it has been discovered by the said president, directors and company, that one or more of the aforesaid inspectors so appointed as aforesaid, was interested in other turnpike roads in this state, and by reason thereof disqualified to act as inspectors,

by a provision in the said "act relative to turnpike companies," and the said president, directors and company; are by reason of the premises in danger of prosecutions for the receipt of toll, and of an avoidance of the said appointment of inspectors and of the said permit: *And whereas* the said president, directors and company, by their petition to the legislature, have prayed relief in the premises: Therefore,

Certain ap-
pointment of
inspectors
confirmed.

Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That the aforesaid appointment by the governor of this state of the said inspectors, for inspecting the said turnpike road, and the aforesaid permit to the said president, directors and company to make and affix a gate and turnpike upon and across the said road, shall be and hereby is confirmed and declared to be valid in law, notwithstanding any interest in the said inspectors, or either of them, in any other turnpike company than the said Schoharie-kill bridge company.

[*Note.*—The charter is to be found in Sess. 35. ch. 71.—W. v. 3. 79.—The recital of the present act, sufficiently shows the reasons for its passage.]

CHAP. LIX.

An ACT to amend an act, entitled "an act to Incorporate the Phoenix Insurance Company of New-York."

Passed March 25, 1814.

Corporation
may reduce
its capital

Or increase
it.

Provided.

Further pro-
viso.

Further pro-
viso.

Further pro-
viso.

I. BE it enacted by the people of the State of New-York represented in Senate and Assembly, That it shall be lawful for the Phoenix Insurance Company of New-York, to reduce its capital stock from five hundred thousand dollars, to two hundred thousand dollars, and to increase the said capital stock to one million of dollars if the business of the company should hereafter in their opinion require it; and that in future a share in the said company shall be twenty dollars: *Provided always,* That it shall not be lawful for the said company to make any marine insurance whatsoever: *And provided always,* That nothing herein contained, shall in any wise impair any contract which may have been made by or with the said company, or in any manner whatsoever lessen the security which any person now has upon the said company, or any part of its funds, but that the same shall remain liable as if this act had not been passed: *Provided,* That the said corporation shall not commence, continue or transact any business whatsoever in its corporate capacity, or on account of the said corporation or the stockholders thereof, until all the debts of the said company and all demands against it shall be fully paid or satisfied, and the sum of two hundred thousand dollars shall be fully paid in or satisfactorily secured: *And provided,* That it shall not be lawful for the said corporation to use or employ any part of its stock, funds or monies in any banking or other operation, except only the business of insurance against loss and damage by fire, insurance upon the inland transportation of goods, wares and merchandizes, insurance upon a life or lives by way of tontine or otherwise, and the lending money upon bottomry and respondentia, and making

THIRTY-SEVENTH SESSION.

insurance upon the risks on which such sums may be lent, to which objects the powers of the said corporation shall be exclusively confined.

II. *And be it further enacted*, That the charter of the said company shall be and hereby is extended for the term of twenty-one years from and after the time of its present limitation, and no longer. Charter extended.

[*Note.*—This company was incorporated February 20, 1807.—Sess. 30. ch. 12.—*vide W. v. 5, 13.*—The existence of the corporation was thereby limited to the first Monday of January, 1820.—The shares were originally at 50 dollars.]

CHAP. LX.

An ACT to Incorporate the Literary and Philosophical Society of the City of New-York.

Passed March 25, 1814.

WHEREAS the members of a Literary and Philosophical society, instituted in the city of New-York, have petitioned for an act of incorporation, and the legislature considering it their duty to encourage all laudable attempts to promote the useful arts, diffuse knowledge and to enlighten the human mind : Therefore,

Recital.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That De Witt Clinton, James Kent, David Hosack, John M. Mason, Josiah Ogden Hoffman, Hugh Williamson, Samuel Latham Mitchill, Wright Post, Cadwallader D. Colden, Brockholst Livingston, Thomas Eddy, John Bowden, Peter Wilson, Charles Wilkes, Robert Fulton, Peter Augustus Jay, John H. Hobart, Archibald Bruce, Robert Adrain, William James M'Neven, Nathaniel Bowen, John C. Osborn, Frederick W. Geisenhanier, William Johnson, John Pintard, John Anthon, Jacob Van den Heuvel, John W. Francis, Alexander M'Leod, Thomas R. Merveln, James S. Stringham, John Griscom, James Renwick, John A. Smith, Lewis Simond, Richard Riker, Thomas Y. How, William Harris, Andrew Ellicot, Jacob Morton, Richard Harrison, Rufus King, Samuel Bard, Gouverneur Morris, Thomas Addis Emmet, John Stevens, John R. Murray, Simeon De Witt, Samuel Jones, Junior, David B. Ogden, Benjamin De Witt, John Wells, Samuel F. Jarvis, Gulian C. Verplank, Samuel Harris, William Sampson, and such other persons as now are and may from time to time become members of the said society, shall be and hereby are constituted a body corporate and politic, by the name of "The Literary and Philosophical Society of New-York," and that by that name they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, with power to change or alter the same from time to time, and shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels and personal estate, and of selling,

Corporation created and general powers.

Proviso.

leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided always*, That the clear annual value or income of such real and personal estate, shall not exceed the sum of five thousand dollars: *Provided however*, That the funds of the said corporation shall be used and appropriated to the promotion of the objects stated in the preamble to this act, and those only.

Power to make by-laws, &c.

II. *And be it further enacted*, That the said society shall from time to time forever hereafter, have power to make, constitute, ordain and establish, such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the admission of new members; for the government of the officers and members thereof; for collecting annual contributions from the members towards the funds thereof; for regulating the times and places of meeting of the said society; for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations, and for the managing and directing the affairs and concerns of the said society: *Provided* such by-laws and regulations be not repugnant to the constitution and laws of this state or of the United States.

Officers of the corporation.

III. *And be it further enacted*, That the officers of the said society shall consist of a president, three vice-presidents, twelve counsellors, two recording secretaries, two corresponding secretaries, one treasurer, two curators, and such other officers as the society may judge necessary, who shall be annually chosen, and who shall continue in office one year, or until others shall be elected in their stead; that if the annual election shall not be held at any of the days for that purpose appointed, it shall be lawful to make such election at any other day, and that nine members of the said society, of whom the president or one of the vice-presidents shall be one, assembling at the place and time designated for that purpose by any by-laws or resolutions of the society, shall constitute a legal meeting thereof.

First officers of the said corporation.

IV. *And be it further enacted*, That De Witt Clinton, shall be the first president, James Kent, David Hosack and John M. Mason, the first vice-presidents; Josiah Ogden Hoffman, Brockholst Livingston, Robert Fulton, Robert Adrain, William Johnson, Cadwallader D. Colden, Archibald Bruce, Peter Augustus Jay, John Bowden, Peter Wilson, Wright Post, and William James McNeven, the first counsellors; Hugh Williamson and Samuel Latham Mitchill, the first corresponding secretaries; Jacob Vanden Heuvel and James Renwick, the first recording secretaries: John Pintard and John W. Francis, the first curators, and Thomas Eddy, the first treasurer; who shall hold their respective offices until the second Thursday of January next, and until others shall be chosen in their places.

This declared to be a public act.

V. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places favorably and benignly for every beneficial purpose therein intended; and that no misnomer of the said corporation in any deed, gift, grant, demise, or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided*, The cor-

Proviso.

poration shall be sufficiently described to ascertain the intention of the parties.

[*Note.*—The memorial of this society, praying to be incorporated, was presented to the Assembly on the 4th March, 1814.—It was signed in behalf of the society by Dr WITT CALSTON, its president; a man in whom science and the arts have always found a patron, and the human race, an ardent and liberal benefactor.—The object of this society, in the language of the memorial, is “to cultivate the most useful branches of knowledge, to stimulate into activity the literature and talents of the community, and by a concentration of men of different professions and various acquirements in one association, to collect a mass of information which may have a tendency to elevate the literary character, and subserve the best interests of our country.”

CHAP. LXI.

An ACT to Incorporate the New-Town Turnpike Company.

Passed March 25, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Vincent Mathews, George Guest, John Hendy, William Jenkins, Phineas Catlin, Henry Welles, Septemus Evans, Matthew Carpenter and James Sayre, and all such other persons as shall associate with them to make a turnpike road from the village of Newtown, in the town of Elmira, to the head of the Seneca Lake, on the best and most eligible route for the same, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of “The president, directors and company of the Newtown Turnpike road,” and by that name they shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided* that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of the said corporation, and for no other purpose whatsoever.

Corporation created and general powers.

Proviso

II. *And be it further enacted,* That the stock of the said company, shall consist of one thousand five hundred shares, of twenty dollars each; and that John Hendy, George Guest and William Jenkins, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled “an act relative to turnpike companies,” passed the 13th of March, 1807.

Capital stock

Commissioners appointed.

III. *And be it further enacted,* That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road, in the proportion of one gate for each ten miles of said road, from all persons travelling and using the same, the following rates of toll, to wit: For

Toll allowed to be taken.

every waggon with two horses or oxen, twelve and an half cents, and three cents for every additional horse or ox, used before any waggon, cart, or other carriage; for every one horse cart, six cents; for every coach, coachee, phantom or curricule, with two horses, twenty-five cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and a half cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, four cents; for every horse and rider, or led horse, four cents; for every sleigh or sled, drawn by two horses or oxen, six cents, and for every additional horse or ox, three cents; for every score of horses, cattle or mules, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, six cents, and so in proportion for a greater or less number; for every stage-waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse.

Persons residing within a certain distance when to pay toll.

IV. *And be it further enacted*, That every person residing within one mile of any gate or turnpike so erected on the said road, shall pay the aforementioned toll when he shall transport or take through the said gate or gates, the property of any other person or persons whatsoever.

Corporation to have all the rights, &c.

V. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights and privileges which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except where the same is altered by this act.

[*Note.*—Add this to the table of Turnpikes.—V. N. & W. v. 2. 559.]

CAAP. LXII.

An ACT to enable The Rector, Church-wardens and Vestrymen of Grace Church, in the City of New-York, to hold real and personal estates of the annual value or income therein mentioned.

Passed March 25, 1814.

Corporation may hold estate if income exceeds not 6000 dollars per annum.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the religious congregation or society in the city of New-York, incorporated under the act, entitled "an act to provide for the incorporation of religious societies," by the name and style of "The rector, church-wardens and vestrymen of Grace Church, in the city of New-York," to hold real and personal estate of an annual value or income not exceeding six thousand dollars, any thing in the act entitled "an act to provide for the incorporation of religious societies" notwithstanding.

Providing.

Corporation bound, &c.

II. *Provided always, and be it further enacted*, That the said religious corporation shall in all other respects be bound and governed by the provisions and directions contained in the before mentioned act, under which the said corporation was erected.

[*Note.*—The act to provide for the incorporation of religious societies, is in V. N. & W. v. 2. 212.]

CHAP. LXIII.

An ACT to amend the act, entitled "an act to Incorporate the Utica and Rome Turnpike Road Company."

Passed March 25, 1814.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, That it shall be lawful for the president and directors of the Utica turnpike road company, to alter the present route of said road, so as to run from the farm of Nathaniel Scott, in the town of Deerfield, to the farm of Joseph Pierce, in the same town, to the intersection of the county road, running easterly and westerly through said town: *Provided,* That said road shall not so be laid out as to interfere with any building now erected, or pass over any garden or orchard without the consent of the owners. Route of the road altered.

II. *And be it further enacted,* That the damages sustained by the owners of the land over which said road shall pass, be ascertained and paid, and the route recorded as is provided in and by the third and fourth sections of the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807. Damages how ascertained and paid.

III. *And be it further enacted,* That it shall be lawful for the said company to erect and place their first gate at any distance from the place where said road commences, any provision in the act hereby amended to the contrary notwithstanding, subject in other respects to the provisions of said act. First gate where to be placed.

IV. *And be it further enacted,* That it shall and may be lawful for said corporation, to take and receive from any of the United States troops, and from any person driving any carriage in their employ, whether on wheels or runners, the same tolls as the said company are authorised to receive by virtue of the act hereby amended from any other persons. Troops, &c. subject to toll.

[*Note.*—The Utica turnpike road company, was incorporated April 10, 1805.—*vide* W. v. 4. 288.—Sess. 28. ch. 123, and amended Sess. 33. ch. 147.—Sess. 36. ch. 138.—The original act, directed the road to run "from the Mohawk turnpike road, near the house of Heli Foote, in the town of Deerfield, thence northerly to the house of Gerrit Becker, in the town of Trenton, and from thence to intersect the road called the state road, in the town of Steuben, near the house of John Storma."—The original act likewise directed the first gate to be erected "not less than five miles from the place where the said road commences." This restriction was found productive of inconveniences.

CHAP. LXIV.

An ACT to amend an act, entitled "an act for the Preservation of Fishery in certain waters therein mentioned," passed April 5, 1813.

Passed March 25, 1814.

Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That nothing contained in the above recited act, shall be so construed as to prevent any person or persons from fishing with seines in any of the waters or creeks therein mentioned, except in and during the months of October and November in each year, the usual time of the salmon fishery, or so as to prevent any person or persons from fishing with seines round Prohibition of the former act.

the usual mouths or outlets of any of said creeks at any time when they shall be so closed or beached up as to prevent Salmon from running up said creeks.

[*Note*.—The act amended, is in V. N. & W. v. 2. 544—and relates to the fishery in the streams in the towns of Mexico, Highland and Scriba, or in Nine-mile creek, and the two branches of Sudus-creek.]

CHAP. LXV.

An ACT to authorise the Supervisors of the County of Seneca, to lease Lot number twenty-four, in the Town of Ulysses.

Passed March 25, 1814.

Supervisors
to lease the
improved
part of lot
No. 24, in
Ulysses.

Duration of
lease.

Supervisors
may prose-
cute for the
possession of
the land and
for trespass-
es or breach
of covenant,
&c.

Suit not to
abate by
death.

Rent, &c.
how to be
applied.

I. *BE it enacted by the People of the state of New-York, repre- sented in Senate and Assembly*, That it shall be the duty of the supervisors of the county of Seneca, or some one of them, to enter upon and take possession of lot number twenty-four, in the town of Ulysses, (except fifty acres of the same commonly called the survey fifty,) and to lease the improved part of the same to any person or persons, for any length of time not exceeding five years from the passing of this act, in the name of the supervisors of the county of Seneca.

II. *And be it further enacted*, That it shall and may be lawful for the supervisors aforesaid, or a majority of them, and they are hereby authorised and empowered to institute any suit or suits at law, and to prosecute the same to judgment in the name of the supervisors aforesaid, as may be necessary for the recovery of possession of the said lot number twenty-four, or for any trespasses that may have been heretofore or shall be hereafter committed thereon, or upon the breach of any of the covenants which may be contained in any of the leases made in pursuance of this act, or for any interest or principal, or rent arising from or accruing on account of said land; which said suit or suits shall not be abated or be in any way affected in law by the death or removal from office of any or all of the said supervisors, but may be continued by their successors in office.

III. *And be it further enacted*, That the monies arising from the rent of said land, and from any trespasses thereon, shall be put to interest by the said supervisors, or a majority of them, and secured by bond and mortgage of double the value of the monies loaned, exclusive of buildings, with lawful interest, to be paid annually in such manner that the whole rent, interest and principal, shall become due at the expiration of five years from the passing of this act, to be appropriated for the support of academies in the aforesaid county, in such manner as the legislature shall hereafter direct.

[*Note*.—By an act of July 25, 1782, vide Gr. v. 1. 55. Sess. 6. ch. 11, certain lands were set apart for the officers and troops serving in the line of the state of New-York in the army of the United States, in the late revolutionary war.—This act was amended in some of its provisions, Sess. 9. ch. 67.—Sess. 11. ch. 89.—Sess. 12. ch. 44.—Sess. 14. ch. 42.—By the act of February 28, 1789, Sess. 12. ch. 44. § 6. six lots were reserved in each township, viz : one for promoting the Gospel and a public school or schools, another for promoting Literature in this state, and the remaining four

CHAP. LXVI.

An ACT to Incorporate the Fifth Great Western Turnpike Road Company.

Passed March 25, 1814.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Jabez Bradley, David Ogden, John Tillotson, Elliot Palmer, Amos Todd, Enos Stimpson, Hezekiah Roberts, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the termination of the fourth great western turnpike road, in the town of Homer, in the county of Courtland, thence on the best and most direct route through the said town of Homer, and the town of Locke, in the county of Cayuga, to or near the dwelling house of Elliot Palmer, standing on the south side of lot number eleven, in the town of Genoa, in the said county of Cayuga; thence to the north meeting house in the said town of Genoa, and thence on the most direct and eligible route to the east shore of the Cayuga Lake; and their successors be and they are hereby created a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the fifth great western turnpike road," and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased or held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Corporation created, and general pow. etc.

II. And be it further enacted, That the stock of the said company hereby incorporated, shall consist of one thousand shares, of twenty dollars each: and that David Ogden, of Genoa, William Miner, of the same place, and Luther F. Stephens, of Homer, be and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Capital stock and commissioners to receive subscriptions.

III. And be it further enacted, That the tenth section of the act, entitled "an act to establish a turnpike corporation for improving and making a road from that point on the eastern bank of the Chenango river, where the great western turnpike road abuts the same, to or near the house of Benjamin James, in the

Certain sections of a former act to apply to this corporation.

lots to satisfy the surplus shares of commissioned officers not corresponding with the division of 660 acres, and to compensate such persons as should by chance draw lots, the greater part of which should be covered with water.—In conformity with these acts, and the act of April 11, 1796—Sess. 19. ch. 69—the commissioners of the land-office proceeded to ballot for the lots, &c. and lot number 24, in *Ulysses*, was drawn for the purposes of *Literature*. The act passed at this session, has fulfilled the original intention of the legislature.—See also note to chapter 71.]

town of Fabius, in the county of Onondaga," passed March 28, 1805, shall apply and be in force with regard to the corporation hereby created, in like manner and to every intent and purpose as if the said tenth section had been here inserted: *And further*, The eighth section of the act herein referred to, shall in like manner and with like effect apply to the corporation hereby created, as if the said section had likewise been herein inserted.

Rights, &c.
of corpora-
tion declared.

V. *And be it further enacted*, That the corporation hereby created, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted, and except also that the said corporation shall not be permitted to erect any gate for the purpose of receiving toll, within four miles of the shore of the Cayuga Lake.

Note.—Add this to the table of Turnpike roads.—V. N. & W. v. 2. 559.]

CHAP. LXVII.

An ACT to authorise the building of a fire proof Clerk's Office, in the county of Montgomery.

Passed March 25, 1814.

Commis'rs.
appointed to
erect a fire-
proof clerk's
office.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That for the safe keeping of the records and papers now deposited and hereafter to be deposited in the clerk's office in the county of Montgomery, a fire-proof office shall be erected on the south-east corner of the court-house lot, in the village of Johnstown, and that Daniel Cady, John Holland, and Joseph Cayler, be and hereby are appointed commissioners for the purpose of erecting the said office; and they are hereby authorised to expend in erecting the said office, any sum of money in the treasury of the said county unappropriated, according to resolution of the board of supervisors of the said county, passed on the twenty-second day of October last; and the said commissioners shall account with the said supervisors for all sums by them to be expended as aforesaid.

Supervisors
to raise mon-
ies for the
purpose.

II. *And be it further enacted*, That the supervisors of the said county, may at their next annual or any subsequent meeting, cause to be levied and collected, with and in addition to the other public and contingent charges of the said county, any sum of money not exceeding six hundred dollars, which they may deem necessary to defray the expense of completing the said office.

[*Note*.—This act requires no remark. Fire-proof clerk's offices have been directed by law to be erected in many of the counties of this state.]

CHAP. LXVIII.

An ACT to Incorporate the Roxbury, Blenheim and Broome Turnpike Road Company.

Passed March 25, 1814.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Asa Starkweather, Archibald Crosswell, William Ellason, David West and James Carl, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the house of Edward More, on the Windham turnpike, in the town of Roxbury, and from thence in the most direct and convenient route to the late dwelling house of Porter Joice, at or near the thirty eight mile stone, of the Susquehannah turnpike, in the town of Blenheim; then again beginning on the said Susquehannah turnpike, near the house of William Ellason, in the town of Broome, and from thence northeasterly along the general course of the Platterkill, to the Mountain turnpike, a little easterly of the Keyser's kill, be and are hereby created a body corporate and politic, by the name of "The president, directors and company of the Roxbury, Blenheim and Broome turnpike road," and they are hereby ordained, constituted and declared to be a body corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and holden, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatever.

Corporation created and general powers.

Provide.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of five hundred shares, of twenty-five dollars each, and that Asa Starkweather, Archibald Crosswell, William Ellason, David West and James Carl, be and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Capital stock and commissioners to receive subscriptions.

III. *And be it further enacted*, That the said turnpike road hereby authorised, shall be laid out four rods wide, and that it shall and may be lawful for the company to make the arch of the said road twenty-four feet wide, and not less.

Width and arch of the road.

IV. *And be it further enacted*, That it shall and may be lawful for the said company hereby incorporated, to erect one gate on the said road, from one to three miles east of the Susquehannah turnpike aforesaid, and shall be entitled to ask and receive at the said gate, the following sums of money from all persons travelling or using the same, excepting such persons as are exempted by the act, entitled an act relative to turnpike companies, aforesaid;

Rates of toll and gates established.

For every cart or waggon, drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage-waggon, chariot, coach, coachee, phaeton, curricule, or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chaise, sulkey or chair, with one horse, twelve and an half cents, and in like proportion for every additional horse; for every horse rode, six cents; for every led or driven horse, four cents; for every sleigh or sled, drawn by two horses mules or oxen, six cents; and for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse, mule or ox, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents.

Number of directors and quorum.

V. *And be it further enacted*, That the affairs of the said company hereby incorporated, shall be managed by five directors, three of whom shall constitute a board to transact business.

Rights, &c. of the corporation.

VI. *And be it further enacted*, That the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

[*Note*.—Add this to the table of turnpike roads.—V. N. & W. v. 2. 559.]

CHAP. LXIX.

An ACT to amend the act, entitled "an act to incorporate the Trustees of the Marine Hospital, called the Sailors' Snug Harbor, in the City of New-York."

Passed March 25, 1814.

Recital.

WHEREAS the trustees of the Sailors' snug harbor, have represented that doubts exist as to whom in the contemplation of the act of incorporation, are to be considered the senior ministers of the Episcopal and Presbyterian churches, in the city of New-York: Therefore,

Certain persons declared to be trustees &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the rector of Trinity church, in the said city, or in case of his sickness or absence, the assistant rector of the said church performing the functions of rector, and the minister of the presbyterian church, in Wall-street, in the said city, and in case there is more than one minister in the said church, then the minister first established in the said church, shall be the trustees of the said corporation.

II. *And be it further enacted*, That it shall be the duty of the said corporation, to make an annual report to the legislature and to the common council of the city, of the state of their funds.

[*Note*.—This incorporation was created February 6, 1806.—*vide* W. v. 4. 323—Sess. 29. ch. 4.—Robert Richard Randall, by his last will, endowed it with a considerable

CHAP. LXX.

An ACT to amend an act, entitled "an act to Incorporate the Jericho Turnpike Company," passed March 20, 1813.

Passed March 25, 1814.

WHEREAS sundry inhabitants of the counties of Suffolk and Queens, have by their petition represented to the legislature that the turnpike contemplated by the act of incorporation hereby amended, would be of great public utility, and that it is necessary in order to encourage the undertaking and completion of the said turnpike, that some additional toll should be allowed: Therefore,

Recital:

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the company incorporated by the act hereby amended, to exact and receive from every person using the turnpike road by them to be erected, ten cents instead of eight for every common waggon or cart drawn by two horses, mules or oxen, and twenty cents instead of ten for every score of cattle, horses or mules, for any number of miles not exceeding ten in length of the said road, and so in proportion for any greater or less distance, any thing in the act of incorporation hereby amended, to the contrary notwithstanding.

Rates of toll increased

[*Note.*—The Jericho turnpike company was incorporated March 20, 1813.—*Sess.* 36. ch. 77.]

CHAP. LXXI.

An ACT for the Relief of Cayuga Academy.

Passed March 25, 1814.

WHEREAS by an act of the legislature, passed 13th April, 1813, entitled "an act to authorise the sale of lands appropriated for the promotion of literature, lot number thirty-six, in the town of Aurelius and county of Cayuga, was appropriated for the support of Academies in said county: And whereas the president and trustees of Cayuga academy have by their memorial prayed for a grant of said lot for the use of said academy: And whereas it appears by a report of the surveyor-general, bearing date 6th March, 1813, that the said lot had previously been granted to the trustees of Union College: Therefore,

Recital.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office, to grant letters patent to the president and trustees of Cayuga academy, and to their successors, for lot number eighty-nine, in the town of Cato, in said county; and it shall be the duty of the said president and trustees, to make sale thereof, and to appropriate the monies arising from such sale by

Lot No. 89, in Cato, to be granted to the academy and then sold, &c.

estate, and the legislature constituted the chancellor, mayor and recorder of N. York, the presidents of the chamber of commerce, and of the Marine society of N. York, the first vice-president of the latter society, the senior ministers of the Episcopal and Presbyterian churches in N. York, and their successors in office *virtute officii*, trustees of the incorporation.—This act provides for a difficulty resulting from the general terms of the first act:]

loaning the same on landed security, to double the value of the sum so loaned, and on the payment of any such loan, again to re-loan the same, and apply the interest arising from such loans, forever to the use, benefit and support of said academy.

[*Note.*—Cayuga Academy was incorporated March 23, 1801.—See table of academies—V. N. & W. v. 2. 363.—The act referred to in the recital of this act, is Sess. 36. ch. 199.—By that act, the commissioners of the land-office were directed to sell all the lands heretofore appropriated for the promotion of literature in this state, situate in the Military tract, and in Chenango and Broome.—The regents of the University were to distribute the annual revenue arising from the sales among the several academies in this state.—But lot number 24, in Ulysses, lot number 36, in Aurelius, and lot number 85, in Homer, were specially reserved for the academies in the counties in which those towns are situate. Perhaps no state in the union has appropriated so much public property for the purposes of literature and science.—See also note to chapter 65.]

CHAP. LXXII.

An ACT to Incorporate the Newton and Bushwick Road Turnpike Company.

Passed March 25, 1814.

Corporation
created and
general pow-
ers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That* Francis Vandervoort, William Prince, Peter Remsen, John L. Lawrence, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road from the west end of the road of the Flushing and Newtown turnpike bridge and road company, in the county of Queens, to the east end of the road of the Wallabout and Brooklyn toll-bridge company, in the county of Kings, be and they are hereby created a body corporate and politic, in fact and in name, by the name and style of "The president and directors of the Brooklyn road turnpike company," and by that name shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

Proviso.

Route and
width of the
road.

II. *And be it further enacted, That* the road to be made by virtue of this act, shall pursue the route of the present road: *And further*, That the width of the said road, shall not be less than three rods, wide, except such parts as the commissioners may find it necessary to contract within that width, and the chord of the arch of said road, not less than twenty-eight feet, any law to the contrary notwithstanding.

III. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of five hundred shares, of twenty-five dollars each; and that David Gardiner, Robert Moore and Folkert Wyckoff, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven. Capital stock and commissioners to receive subscriptions.

IV. *And be it further enacted*, That the aforesaid David Gardiner, Robert Moore and Folkert Wyckoff, be and hereby are appointed commissioners to lay out the road directed in and by this act to be laid out, and shall be subject to the directions, regulations and restrictions in all respects, as prescribed and contained in and by the act relative to turnpike companies before referred to, except where the same are contrary to the provisions of this act, and may execute and perform all the duties, matters and things therein mentioned, as fully as if they had been appointed in the manner directed in and by the said act. Commissioners to lay out the road.

V. *And be it further enacted*, That it shall be lawful for the company hereby incorporated, to exact and receive at the gates to be erected on the said road, from every person using the same, for any number of miles not exceeding seven in length of the said road, the following sums of money, and so in proportion for any less distance, that is to say: For every score of sheep or hogs, four cents; for every score of cattle, mules or horses, eight cents; for every cart drawn by one horse, three cents; for every phaeton, chariot, coach or coachee, twelve and an half cents; for every stage-waggon, or other four wheeled pleasure carriage, drawn by one or two horses, six cents; for every common waggon, drawn by one or two horses, mules or oxen, four cents; for every sleigh or sled, drawn by one or two horses, mules or oxen, three cents, and for every additional horse, mule or ox, two cents; for every chair, gig or sulkey, six cents; for every horse and rider, or led horse, three cents; for every cart, drawn by two oxen, mules or horses, four cents, and every additional horse, mule or ox, two cents: *Provided always, nevertheless*, That the president and directors of the said company, may commute with any person or persons for the privilege of using the said road by the year, or for any less time. Rates of toll established.

VI. *And be it further enacted*, That the number of directors for the managing the concerns of the company hereby incorporated shall be seven, five of whom shall form a quorum, and be capable of transacting the business of the company, and shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the before recited act, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act. Proviso.

[Note.—Add this to the table of Turnpikes—V. N. & W. v. 2. 559.]

LAWS OF NEW-YORK,

CHAP. LXXIII.

An ACT to authorise Hendrick Kisslebergh, Guardian of Jeremiah Beam and David Beam, to sell the real estate therein described.

Passed March 25, 1814.

Recital.

WHEREAS Jeremiah Beam and David Beam, by themselves, and Hendrick Kisslebergh, their guardian, have represented to the legislature that their father, John Beam, died some years since, seised of a farm situate in Claverack, in the county of Columbia, containing about one hundred and fifteen acres, subject to the payment of a quarter sale and an annual rent of about thirteen dollars, forever, having devised the same to the petitioners, leaving several debts and legacies to be paid by them; that they are unable to make provision for the payment of the said rents, debts and legacies, either from the produce of the said farm or by any other means, and have prayed authority to sell and convey the same: Therefore,

The guardian authorized to sell and convey, &c.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said Hendrick Kisslebergh, guardian of the said Jeremiah and David, to convey, grant, bargain and sell, by a good and sufficient deed, all and singular that certain farm of land, situate in Claverack, in the said county, as the same was granted by two several indentures of lease, by Robert Van Rensselaer, to the said John Beam, containing in all about one hundred and fifteen acres, and on such sale to take and accept of and from the purchaser, such security as he shall deem good and valid.

Guardian to execute bond &c.

II. *And be it further enacted,* That the said Hendrick Kisslebergh shall, before the execution of such deed, execute to the said Jeremiah Beam and David Beam, a bond with one surety, to be approved of by the chancellor of this state, and in such sum as he shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register of the court of chancery, for the use of the said Jeremiah Beam and David Beam.

[*Note.*—This act requires no explanation.]

CHAP. LXXIV.

An ACT for the Relief of John Bowers, and others.

Passed March 25, 1814.

Recital.

WHEREAS Samuel Dill, late of the county of Oneida, and John Dill, late of the county of Ulster, in the state of New-York, did by their certain deed or indenture, bearing date the fourteenth day of March, one thousand eight hundred and twelve, convey unto Henry Bowers, of the town of Genoa, and county of Cayuga, and to his heirs and assigns forever, all the following lot or piece of land, being part of lot number thirty-six, in the town of Genoa and county of Cayuga: Beginning at the southwest corner of said land, and running from thence north to the lands

of John Conrad, (formerly James Slotts,) thence east along the line of said Slott, to the state hundred acres, thence south to the south line of said lot, thence west to the place of beginning, containing one hundred acres of land, which piece of land was intended to be conveyed to John Bowers, of the town of Genoa aforesaid, but the name of Henry Bowers was inserted in the said indenture by mistake; now therefore to correct the said mistake,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the title of the said piece of land above mentioned, be vested in the said John Bowers, of the town of Genoa aforesaid, and his heirs and assigns forever, as fully and amply as the same is conveyed by the above mentioned indenture to the said Henry Bowers; and that the said John Bowers, and his heirs and assigns, shall be entitled to the benefit of all the covenants contained in the said indenture, the same as if the said deed had been given to him and in his name.

Certain land declared to be vested in Jno. Bowers.

II. *And be it further enacted,* That the title of the said piece of land shall be deemed to have been vested in the said John Bowers as aforesaid, on the said fourteenth day of March, in the year of our lord one thousand eight hundred and twelve.

And to have been vested in him on the 14th March, 1812.

[*Note.*—The recital sufficiently explains the reasons for passing this act.]

CHAP. LXXV.

An ACT for dividing the Town of Smallwood, in the county of Ontario.

Passed March 25, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of Smallwood, in the county of Ontario, beginning at the southwest corner of township number thirteen, in the seventh range, thence east to the southeast corner of said township, thence northwardly on the east line of said town, to the south line of Penfield, thence east on the south line of said Penfield, to the southeast corner of lot number seventy-six, in said Penfield, thence northwardly on the east line of said lot number seventy-six, until it intersects the Irondequoit creek; thence down the centre of the said Irondequoit creek and bay, to the shore of Lake Ontario; thence westerly on the bounds of the county of Ontario, to the mouth of Genesee river; thence southwardly up the centre of said river, to the first mentioned bounds, is hereby erected into a separate town by the name of Brighton; and the first town-meeting shall be held at the house of Orange Stones, in said town.

The town of Brighton erected, and its bounds.

IV. *And be it further enacted,* That all the remaining part of the town of Smallwood, be and remain a separate town by the name of Pittsford, and the next town-meeting in the said town of Pittsford, shall be held at the place where the last annual town-meeting was held.

Town of Pittsford erected.

III. *And be it further enacted,* That as soon as may be after the first Tuesday in April next, the supervisors and overseers of

Poor men's divided.

the poor of the said towns of Brighton and Pittsford, on notice being first given for that purpose by the supervisors thereof, shall meet together and divide the money and poor belonging to the town of Smallwood, previous to the division thereof, agreeably to the last tax list of said town, and that each of the said towns shall forever thereafter support their own poor.

[*Note.*—For the original bounds of *Smallwood*, vide V.N. & W.v.2. 111. The town of *Boyle* was first divided, and a part called *Smallwood*. Afterwards, by this act, the territory including *Boyle* and *Smallwood*, was divided into two towns, called *Brighton* and *Pittsford*. Consequently *Boyle* and *Smallwood* now cease to exist as towns.]

LXXVI.

An ACT to Incorporate the Sterling Company.

Passed April 1, 1814.

Recital.

WHEREAS Peter Townsend, Isaiah Townsend, Daniel Jackson, Henry M'Coan and others, have by their petition to the legislature, set forth that they are extensively engaged in the manufactory of iron and steel, and that the vast and increasing demand for manufactures of steel and iron is such that their private capital is insufficient for the purpose, and that many persons are disposed to contribute moderate sums towards the extension of this branch of manufactures, but are deterred by reason of the great inconvenience in managing of a numerous association without corporate powers, and this legislature being disposed to encourage so useful and necessary an undertaking: Therefore,

Corporation directed and general powers.

1. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That Peter Townsend, Isaiah Townsend, Daniel Jackson and Henry M'Coan, and such others as now are or may hereafter be associated with them for the purpose aforesaid, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Sterling company," and by that name they and their successors and assigns, shall and may have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* that the real estate so to be purchased and holden, shall be such only as shall be requisite to promote and attain the objects of this incorporation, such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments which shall have been obtained for such debts.

Style.

Proviso.

II. *And be it further enacted*, That the capital stock of the said incorporation, shall not exceed five hundred thousand dollars, and that the subscriptions to the said capital stock, under the direction of the president and directors, be opened until the number of shares subscribed shall be sufficient in the opinion of the directors to commence the business contemplated by this act; and each share in the said corporation shall be twenty-five dollars.

Capital stock.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by not less than seven nor more than thirteen directors, one of whom to be president, who shall hold their offices for one year from the first Tuesday of June in every year, which said directors shall be citizens of this state; and that said directors shall be elected on the first Tuesday of June in every year, at such time of the day and at such place as a majority of the directors for the time being may appoint; and public notice shall be given by the directors not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two public newspapers, one printed in the city of New-York, and the other in the county of Orange; said election shall be made by such of the stockholders of the corporation as shall attend for that purpose in their proper persons or by proxy, and all elections shall be by ballot, each share of the stock having one vote, and the thirteen persons who shall have the greatest number of votes at an election, shall be directors; and if it shall happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of thirteen; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of this state, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a major part of them, shall appoint; that the first directors shall be Peter Townsend, Isaiah Townsend, Daniel Jackson, Henry M'Coan, George Fitch, Anthony Davise, William Townsend, William Jackson, Isaac Townsend, Bartholomew Ward, James W. Wilkin, Robert C. Cornell and William M'Intyre, and shall hold their offices until the third Tuesday of June, one thousand eight hundred and fifteen.

Directors when and how chosen.

President to be chosen.

First directors.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but

Election may be at any other day.

it shall and may be lawful to hold such election on such other day in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation.

Calls on
stock to be
paid on pain
of forfeiture.

V. *And be it further enacted*, That it shall be lawful for the president and directors of said corporation, to call and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such time and in such proportions as they shall deem fit, on the pain of forfeiture of their shares, and all previous payments thereon to the said corporation, always at least giving thirty days previous notice of such call and demand in the public newspapers to be published as aforesaid.

Special pow-
ers of the di-
rectors.

V. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of the directors and all such other matters as appertain to the concerns of the said institution; and shall have power to employ so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Transfer of
stock.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

This a pub-
lic act.

VIII. *And be it further enacted*, That this act be and the same is hereby declared to be a public act.

Restrictions
as to bank-
ing.

IX. *And be it further enacted*, That the corporation hereby created, shall not engage in any banking business or transaction whatsoever, or in any other business or transaction, excepting such as may be proper and necessary to carry into effect the declared objects of this act.

[*Note.*—This incorporation is another evidence of the rapid increase of the manufacturing interest in this state.—The recital to this act sufficiently explains its object.—For manufacturing companies incorporated under the general act of March 22, 1811—see *appendix*, and also V. N. & W. v. 2. 566.]

CHAP. LXXVII.

An ACT relative to the Mohawk Turnpike Company.

Passed April 1, 1814.

Toll regulat-
ed.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That from and after the first day of May next, it shall and may be lawful for the president and directors of the Mohawk turnpike company, to demand and receive at all times from persons travelling the Mohawk turnpike, with sleighs or sleds, for every sleigh or sled passing either or both of the two gates, the one on or nearest the west Canada creek bridge, and the other on or nearest the east Canada creek bridge, the

following toll, to wit: For every sleigh or sled, drawn by two horses or oxen, twelve and an half cents, and for every additional horse, three cents, and so in proportion for any greater or less number of horses or oxen: *Provided*, That nothing herein contained, shall authorise the said company to take or receive from any of the inhabitants of the towns of Fairfield, Norway, Newport, Russia, Herkimer and German Flatts. in Herkimer county, and Salisbury and Manheim, in Montgomery county, who shall have their names entered in a book to be kept by the toll-gatherer at each of the two gates aforesaid, on or before the first day of May in each year, more than one half of the aforesaid rates of toll, or to take or receive any toll from any persons going to, or returning from funeral, or going for and returning with wood or hay, at the gate on the west Canada creek bridge, or from any person passing either of the said bridges, or from public worship, or to or from his common business on his farm, or to or from any mill, or to or from any general or other trading.

Proviso.

II. *And be it further enacted*, That the said president and directors shall at all times have the privilege of consolidating any two half toll-gates, and making one whole toll-gate of the two, and place the same on any part of the said road, any thing in any former law to the contrary thereof notwithstanding, the said toll-gates not being nearer to each other than is allowed by the existing law.

Half toll-gate to be consolidated.

III. *And be it further enacted*, That the said president and directors shall be permitted to change the route of the said turnpike road, between the house of William Kline, and the village of Caughnawaga, in the county of Montgomery, so as to avoid Tripe's hill; and in the village of Little Falls, so as to straighten the said road through the said village; and also over the farm of Isaac Brayton, in the county of Oneida, in case the said Brayton shall assent to the last mentioned alteration; and that it shall and may be lawful for the said company to abandon such parts of the present route of the said road as shall be so altered, by giving notice thereof three months previous to such abandonment, to the commissioners of highways of the town in which such parts of the said road so altered may be; and in case of disagreement between the said company and the owners of any lands over which such altered route may run, as to any damages which may be occasioned, or as to the value of any lands or materials which may be required to make or repair such altered route, such value or damages shall be determined and paid in the manner directed in and by the original act of incorporation of the said company.

Route of road may be changed.

[*Note.*—This act met with great opposition.—Its object being the increase of toll, excited much discussion in the legislature, and the act as now passed, differed considerably from the bill originally brought in.—The Mohawk turnpike and bridge company, was incorporated April 4, 1800—*vide* K. & R. v. 2. 438, 445.—By subsequent acts, the privileges of the company were modified and altered—*vide* W. v. 3. 578—W. v. 4. 298, 634.—W. v. 5. 197.—W. v. 6. 240, 285, 350.—*Scss.* 32. ch. 170.—*Scss.* 36. ch. 68.]

LAWS OF NEW-YORK,

CHAP. LXXVIII.

An ACT for the Relief of Thomas B. Clarke.

Passed April 1, 1814:

Recital.

WHEREAS Mary Clarke, late of the city of New-York, deceased, widow and relict of Thomas Clarke, late of the same place, gentleman, deceased, in and by her last will and testament, bearing date the sixth day of April, in the year of our Lord one thousand eight hundred and two, did, among other things, devise unto Benjamin Moore, and Charity, his wife, and to Elizabeth Maunsell, and to their heirs forever, certain lands and real estate; to have and to hold to the said Benjamin Moore and Charity his wife, and to the said Elizabeth Maunsell, and to the survivors or survivor of them, and to the heirs of such survivor, as joint tenants and not as tenants in common, in trust to receive the rents, issues and profits thereof, and to pay the same to Thomas B. Clarke, one of the devisees of the testatrix, during his natural life, and from and after the death of the said Thomas B. Clarke, in further trust to convey the same to the lawful issue of the said Thomas Clarke, living at his death in fee; and if the said Thomas B. Clarke should not have any lawful issue at the time of his death, then in the further trust and confidence to convey the said devised premises to Clement C. Moore, also one of the devisees of the said testatrix, and to his heirs, or to such person in fee as he might by will appoint in case of his death prior to that of the said Thomas B. Clarke: *And whereas* it appears to the legislature that the property so devised as aforesaid is nearly unproductive and in its present situation is incapable of being improved so as to yield an adequate income for the maintenance and support of the said Thomas B. Clarke and his family, whereby the benevolent intentions of the testatrix will be defeated without the interposition and aid of the legislature: *And whereas*, The said Benjamin Moore, and Charity his wife, and the said Elizabeth Maunsell, the said trustees named in the said will, in and by a certain instrument under their hands and seals, bearing date and duly executed by them on the eleventh day of January last, did consent and agree to all such acts as the legislature of this state should deem meet and proper to make for the benefit and relief of the said Thomas B. Clarke, or of his issue, heirs and assigns, in and concerning the premises; and also, did by the said instrument in writing, consent and desire that some other person or persons might be substituted for them in their place and stead as trustees aforesaid, and they be discharged from the said trust: *And whereas*, Clement C. Moore, the person named in the said will, and entitled to the contingent remainder, hath by a certain other instrument in writing, under his hand and seal, bearing date and duly executed by him on the said eleventh day of January last, consented and agreed to all such acts or act as the legislature might deem proper to make for the benefit and relief of the said Thomas B. Clarke: Therefore,

Chancery
may appoint
trustees and
former one
discharged.

1. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the court of chancery, on the application of the said Thomas B. Clarke, to constitute and appoint one or more trustees to execute and perform the several trusts and duties specified and set forth in the said in part recited will and testament, and in this

bet, in the place and stead of the said Benjamin Moore and Charity his wife, and the said Elizabeth Maunsell, who are hereby discharged from the trusts in the said will mentioned: *Provided*, That it shall be lawful for the said court at any time thereafter, as occasion may require, to substitute and appoint other trustee or trustees in the room of any of those appointed in this act, in like manner as is practised in the said court in cases of trustees appointed therein; and such trustee or trustees so appointed, are hereby vested with the like powers as if he or they had been named and appointed in and by this act.

II. *And be it further enacted*, That the trustees appointed or to be appointed by or under the authority of this act, or the major part of them, shall, as soon as conveniently may be, partition and divide all that certain tract of land described in the said last will and testament, as follows, viz: "all that part of my said farm at Greenwich aforesaid, called Chelsea, lying to the northward of the line herein before directed to be drawn from the Greenwich road to the Hudson's river, twelve feet to the northward of the fence standing behind the house now occupied by John Platt, bounded southerly by the said line, northerly by the land of Cornelius Ray, easterly by the Greenwich road, and westerly by the Hudson, including that part of my said farm now under lease to Robert Lenox," into two equal parts, one moiety whereof shall be held by them to the uses and upon the trusts declared in and by the said will, and the remaining moiety shall be subdivided by the said trustees, or the major part of them, into so many lots as they or the major part of them may think most likely to effect an advantageous sale thereof; and after having completed such subdivision, the said trustees or a major part of them, are hereby authorised and required, within a convenient time thereafter, not to exceed six months, except at the request of the said Thomas B. Clarke, to sell and dispose of the said last mentioned subdivided moiety, and also that certain house and lot described in the said last will and testament, as follows, viz: "All my house and lot, with the appurtenances, known by number seven, within the limits of the prison, and now occupied by 'Thomas Byron,'" in such manner and upon such terms, as they or a major part of them may deem best for the interest of the several parties interested therein, and thereupon to make and execute good and sufficient deeds or conveyances in the law to the purchaser or purchasers thereof, which deeds or conveyances shall operate to convey to the said purchaser or purchasers respectively, all the estate, right and title, and interest, which the said Mary Clarke had at the time of her death in and to the said premises.

III. *And be it further enacted*, That the said trustees, or a major part of them, within a convenient time after the said sale, for the purpose of securing the principal of the proceeds thereof, to the uses to and according to the trusts declared in and by the said will, and for the further purpose of creating an income for the benefit and support of the said Thomas B. Clarke, his family and children, shall invest the said proceeds in any public stock of the United States or of this state, or bank stock, or shall put the same out at interest on real security, from time to time as they or a ma-

Power of the trustees.

Further powers and duties of trustees.

majority of them shall deem most for the interest of the parties concerned therein; and the said trustees or a majority of them, shall, out of the interest or income of the said proceeds, in the first place set apart and reserve for the first four years eight hundred dollars a year, and from and after the expiration of the said four years, one thousand dollars a year, during the natural life of the said Thomas B. Clarke, which said annual reservations, together with the interest thereof, from time to time accruing, are to be invested in stock or put out on real security by the said trustees, or a majority of them, for the purpose of creating an accumulating fund at a compound interest, during the life of the said Thomas B. Clarke, for the benefit of his children after his decease, when the same is to be disposed of by the said trustees or a majority of them, to the uses according to the trusts declared in and by the said last will and testament, and the residue of the said income that may remain from year to year, after making the reservations aforesaid, shall be paid by the said trustees or a major part of them, to the said Thomas B. Clarke, for his use and benefit, and for the maintenance of his family and education and support of his children.

Certain monies how vested, &c.

IV. *And be it further enacted*, That the said principal sum of money arising from the said sales, and by this act directed to be vested or put out at interest aforesaid, shall be held by the said trustees, or the major part of them, according to the said will, that is to say: in trust to be assigned or paid over to the lawful issue of the said Thomas B. Clarke, living at his death; and if the said Thomas B. Clarke shall not leave any lawful issue at the time of his death, then to be assigned or paid over to Clement C. Moore, or his representatives, or to such person as the said Clement C. Moore may by will appoint, in case of his death prior to that of the said Thomas B. Clarke.

Power of trustees in letting out, &c.

V. *And be it further enacted*, That it shall and may be lawful for the said trustees, or a major part of them, during the natural life of the said Thomas B. Clarke, from time to time to demise and let, for the best rents that can be procured, and to such person or persons, with such covenants and upon such terms, limitations and conditions, as to the said trustees, or the major part of them, shall think expedient, all or any part or parcel of the land first above mentioned, in the second section of this act, for and during any term of years not exceeding twenty-one, and to renew such leases or demises, to take effect from the date and execution thereof, and not in future or remainder if such trustees, or the major part of them, shall judge proper, and to collect and receive the rents and profits thereof, and to pay the same over to the said Thomas B. Clarke as they shall be received, for and during his natural life: *Provided*, That no lease shall be made, executed or renewed under this section, but by the approbation and consent of the said Thomas B. Clarke: *And provided further*, That upon the death of the said Thomas B. Clarke, the unexpired term or terms of any such leases, shall be held by the trustees, or a major part of them, in trust for the uses and purposes mentioned in the said before in part recited will, and none other; and to be deemed part and parcel of the estate thereby devised, according to the true intent and meaning of the said will.

Provided

Further proviso.

VI. *And be it further enacted*, That in every case not otherwise provided for by this act, the trustees appointed or to be appointed in virtue thereof, shall be deemed and adjudged trustees under the said will, so far as relates to the premises mentioned and described in the recital to this act, in like manner as if such trustees had been originally named and appointed in the said will, and they shall in all respects be liable to the power and authority of the court of chancery, for or concerning the trusts created by this act.

Declared trustees under the will, &c.

[*Note.*—This is one of the cases in which legislative aid is not unfrequently granted. The recitals to the act are so full, that further remark is unnecessary.]

CHAP. LXXIX.

An ACT relative to Erasmus Hall.

Passed April 1, 1814.

WHEREAS difficulties exist respecting the distribution of the school money in the town of Flatbush, in Kings county: Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the school money granted from time to time to that part of the town of Flatbush, in the county of Kings, commonly called the Old Town, under the act entitled "an act for the establishment of common schools," passed the nineteenth of June, one thousand eight hundred and thirteen, shall yearly and every year be paid by the several officers appointed in and by the said act, to the trustees of the academy of Erasmus Hall, in the said old town, (except such proportions thereof of such children living on the borders of the said old town, and who are sent to schools in adjoining towns in the said county of Kings) who shall give their receipts therefor, to be applied to the education of such poor children belonging to the said old town, and sent to the said academy, and who in the opinion of the said trustees shall be entitled to gratuitous education: *Provided*, That the trustees of the said academy shall account to the school commissioners of the said town of Flatbush, for the faithful application of the said money, according to the true intent and meaning of this act, and shall likewise make a true report of the progress and number of the children of the said old town, and who are taught in the said academy as aforesaid, on the first day of May in each year.

Certain school monies to be paid to Erasmus Hall.

Proviso.

[*Notes.*—*Erasmus Hall*, was incorporated Nov. 20, 1787, and is the second Academy in point of age which was incorporated in this state—*vide* V. N. & W. v. 2. 563. For the act "for the establishment of Common Schools," *vide* V. N. & W. v. 1. 258.]

CHAP. LXXX.

An ACT for the Relief of the Inhabitants of the Town of Kingston, in the County of Ulster.

Passed April 1, 1814.

WHEREAS it is represented to the legislature that all that part of the Ulster and Delaware turnpike road within the town of

Recital.

Kingston, to the northwest part of the village of Kingston, is used by all the inhabitants of said town in going to and returning from their farms and wood lots free of toll, and that the incomes of the said corporation are wholly inadequate for the purposes of keeping the said turnpike road in good and sufficient repair, wherefore the said inhabitants have petitioned the legislature to be authorized by law to keep the said section of turnpike road in repair, in the same manner as public highways are kept in repair : Therefore,

Part of the turnpike declared a public road and to be worked as such.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the said turnpike road within the said town, shall for all the purposes of being laid out into one or more road districts, and of being amended and repaired from time to time, shall be deemed and considered as a public highway within the said town ; and it shall be and hereby is made the duty of the commissioners of highways within the said town, to lay out the same in one or more road districts, and annually to assess a rateable proportion of labour on the same, and to cause the same to be amended and repaired from time to time in the same manner as public highways are kept in repair in the said town.

[*Note.*—The Ulster and Delaware company, was incorporated April 2, 1802.—W. v. S. 113—sesa. 25. ch. 98.—The stock was limited to 5000 shares, at 25 dollars each, but the shares if inadequate, might be raised to 30 dollars each. The part of the road referred to in the present act not being kept in sufficient repair, produced the passage of the said act.]

CHAP. LXXXI.

An ACT for laying out a road from Salina, in the county of Onondaga, to the town of Adams, in the county of Jefferson.

Passed April 1, 1814.

Commissioners to lay out the road.

I. Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That William Smith, of Watertown, George Brayton and Benjamin Wright, be and they are hereby appointed commissioners to lay out a public road or highway, four rods wide, by the most direct, eligible and convenient route, from the salt springs at Salina, in the county of Onondaga, to the town of Mexico, in the county of Oneida, thence by the most direct, eligible and convenient route through the towns of Richland and Ellisburgh, in the county of Oneida aforesaid, to Smith's mills, in the town of Adams, county of Jefferson, or to such point of the state road, leading from Rome to Brownville, as they may deem most expedient.

Description to be filed, and when road to be opened.

II. And be it further enacted, That when the said commissioners shall have laid out the said road, they shall cause a description of the route of the said road to be recorded in the offices of the clerks of the several towns through which the said road shall pass, and the commissioners of highways in the said several towns, shall without delay after the recording of the route thereof as aforesaid, cause the said road to be opened and work-

and in their respective towns in the same manner as if the same had been laid out by the said town commissioners.

III. *And be it further enacted*, That when any part of the said road shall be laid out through any inclosed lands, the owner or owners thereof shall be paid his or their damages by the town in which said improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed by an act, entitled "an act to regulate highways."

Damages of owners of inclosed lands to be paid.

IV. *And be it further enacted*, That the superintendent of the Onondaga salt-works, is hereby required to pay to the said commissioners, or to any two of them, or to their order, or to the order of any two of them, the sum of five thousand dollars, out of any public money that may be in his hands as superintendent of the said Onondaga salt-works, and the receipt of the said commissioners, or any two of them, who may have received the said sums of money as aforesaid, shall be his vouchers therefor: *Provided however*, That previous to the receiving of the said sums of money, the said commissioners shall enter into a bond with such security and in such sum as shall be approved by the comptroller of this state, with whom the same shall be filed, with condition that they will faithfully expend and account for the said sum of money, together with all other monies herein after directed to be raised for making the said road, according to the true intent and meaning of this act, and the certificate of the said comptroller shall be considered by the said superintendent, as proof of the said commissioners having complied with the requisites of this act; *Provided also*, That one thousand dollars of the said monies shall be expended by the said commissioners upon the said road, within the county of Onondaga.

Sup. of the salt works to pay 5000 dollars to the commissioners.

Proviso.

Proviso.

V. *And be it further enacted*, That there shall be assessed, paid and collected, for the purpose of opening and making the said road, viz: on every acre of land lying within one mile of the said road, except the lands belonging to the people of this state, a sum not exceeding ten cents nor less than three cents; and for every acre of land lying within two miles and more than one mile from the said road, a sum not exceeding five cents, nor less than one cent, which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof, for the establishment of the said road: *And further*, That the said commissioners shall apply the whole of the monies to be raised or received by virtue of this act, to the making and improving such parts of the said road as in their discretion they may deem most beneficial to the interest of this state.

Assessments on certain lands to be made, &c.

VI. *And be it further enacted*, That the said commissioners shall, as soon as may be after the route of the said road shall be marked and fixed upon by them, examine the lands hereby made subject to the said assessments, and make the said assessment fairly thereupon in writing, and shall ascertain and describe the parcels of land so assessed, as accurately as may be, which said assessment so to be made in writing as aforesaid, shall be filed in the office of the comptroller of this state, and it shall thereupon be the duty of the said comptroller, to give notice in the newspaper published by the printer to this state, and in one newspaper

Commissioners to make the assessment.

printed in the counties of Onondaga, Oneida and Jefferson, for three successive weeks, that he the said comptroller has received the assessments of a tax made agreeably to this act; and unless the said tax be paid within six months from the date of the said advertisement, it shall then be the duty of the said comptroller to give notice in the newspapers aforesaid, describing particularly all the land or parcels of land on which the said tax shall remain unpaid, that the same will be sold at public sale by the said comptroller in the city of Albany, to the highest bidder, or so much thereof as may be necessary to raise the amounts of the sum so assessed and remaining unpaid, together with all the expenses of advertising, selling and conveying the same, on such day as he shall fix, not exceeding three months nor less than two months from the date of the advertisement; and the said comptroller shall be and hereby is authorised to execute a conveyance to the purchasers of the land so sold, which shall vest the absolute title thereof in fee simple in the purchaser: *Provided*, The owner of such land so sold and conveyed by the said comptroller, shall not, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per centum per annum; and the monies so received by the said comptroller, shall be paid by him to the said commissioners, for the purpose of making the road aforesaid, subject to the proviso contained in the fourth section of this act.

Proviso.

Compensation to commissioners.

VII. *And be it further enacted*, That each of the commissioners appointed by this act, shall be entitled to receive out of the monies so to be paid to them, two dollars and fifty cents for each and every day's service in which they shall be employed in exploring, marking and laying out the said road, together with the wages and necessary expenses of such persons as they shall necessarily employ to assist them in executing the same: *And further*, That the said commissioners shall be entitled to deduct five per centum upon all the monies they shall expend out of the sum to be raised by assessment as aforesaid, as a compensation for making the said assessment.

[*Note*.—This road being beneficial to the *Salt works* at Onondaga, was very properly made in part a subject of expense out of the funds arising from those works.—For the act relative to those works, see V. N. & W. v. 1. 249.]

CHAP. LXXXII.

An ACT to amend the act, entitled "an act to reduce several laws relating particularly to the City of New-York into one act," so far as the same relates to the Register in and for the City of New-York.

Passed April 1, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That hereafter, certificates of freedom to be recorded in the city of New-York, shall be entered of record in the office of the register in and for the city and county of New-York; and the proof or affidavits, on which such certificates are granted, shall be filed in the said office, and a copy of

Certain certificates of freedom under that election law to be filed with the Register.

the said record, certified under the hand of the said register, shall be the certificate of freedom required to be produced at elections, and unless such certificate be produced, no black or mulatto person shall be permitted to vote at elections; and it is hereby declared to be the duty of the clerk of the city and county of New-York, to deliver into the office of said register, all the certificates of freedom which have been recorded in the office of the said clerk, together with the proof or affidavits therewith filed.

[*Note.*—The regulations necessary to be observed by blacks or mulattoes who offer to vote at elections, may be found in V. N. & W. v. 2. 253, 254, § 11, 12, 13, 14, 15.—By section 12 of that act, the certificate of freedom was required to be filed, “either in the Clerk’s office of the county, or in the Clerk’s office in some one of the towns in the said county.”—For the provisions made by law relative to the office of “Register in and for the city of New-York,” see V. N. & W. v. 2. 402.]

CHAP. LXXXIII.

An ACT to amend an act, entitled “an act directing the sale of certain lands for the benefit of Academics, passed the 12th April, 1813.

Passed April 1, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the commissioners of the land-office be and they are hereby required to sell and convey all the lands belonging to the people of this state, lying and being in the town of Maryland and Milford, in the county of Otsego, and the sum or sums of money to be received therefor, to pay over in the following manner, the one moiety thereof to such academy or academies as the regents of the university shall or may direct, and the remaining half to the treasurer, for the benefit of common schools.

Commissioners of the land office to sell certain lands

II. *And be it further enacted,* That the occupants of said lands and the occupants of the lands directed to be conveyed by the act hereby amended, shall on such sale be entitled to, and receive all the benefits and advantages, and in like manner as is contemplated in the eighth section of the act, entitled “an act for the sale of unappropriated lands and for other purposes,” passed the sixth day of April, one thousand eight hundred and three.

Rights of the occupants declared and reserved.

[*Note.*—The act amended is in sess. 36. ch. 187.—By that act the commissioners of the Land-Office were directed to sell, “for the benefit of such academies, or to convey to such academy or academies as the Regents of the University shall direct, giving the pre-emption right to actual settlers, if any, on the land, all that tract of land lying in the town of Westford, in the county of Otsego, bounded as follows: Southerly, westerly and northerly, by Franklin’s patent, and easterly by Spencer’s and M’Kee’s patents, lying on what is commonly called the Crumhorn patent.”—The present act extends to lands in Maryland and Milford. The 8th section of the act mentioned in the second section, as to the sale of unappropriated lands, is in sess. 27. ch. 106, and may be found with some addition in V. N. & W. v. 1. 296. § 17.—That section gives a remedy to the occupant to recover the value of his improvements from the purchaser, provided they are not below twenty-five dollars.]

LAWS OF NEW-YORK,

CHAP. LXXXIV.

An ACT to amend an act, entitled "an act for the relief of the heirs of John Devendorf, deceased," passed 6th April, 1813, and for other purposes.

Passed April 1, 1814.

WHEREAS in and by the act above recited, Margaret Devendorf, Peter G. Helmer and Rudolph Devendorf, administrators of John Devendorf, deceased, were authorised and empowered to make, execute and deliver unto Henry Dygert, in the said act named, certain conveyances of lands in said act mentioned: *Provided*, the requirements of the said act were complied with, within sixty days from the first day of April, one thousand eight hundred and thirteen: *And whereas*, the said administrators and the said Henry Dygert have by their petition represented, that from unavoidable delays it was rendered impossible for the said administrators to complete the business, within the said sixty days, and praying the aid of the Legislature in the premises: Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the said administrators of the said John Devendorf, deceased, be and they are hereby authorised, at any time within fifteen calendar months from the said first day of April, one thousand eight hundred and thirteen, to make, execute and deliver unto the said Henry Dygert, a conveyance or conveyances of the said lands, according to the provisions of the act aforesaid.

II. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to Anthony Lamb, the sum of fifty-two dollars and seventy-four cents, with interest, from the seventh day of August, one thousand eight hundred and four; the said sum being overpaid by the said Anthony Lamb, on lot number seventy-seven, in the northwest part of the late Oneida reservation, purchased by him on the said seventh day of August, from the surveyor-general of this state.

[*Note.*—This act requires no remark, except that the act amended may be found in sess. 36, ch. 133, and contains a recital, that the deceased had in his life-time covenanted to convey the land in question to Henry Dygert, but had died without doing so.—The 2d section of the present act, requiring money to be paid to Mr. Lamb, explains itself.]

CHAP. LXXXV.

An ACT to incorporate the New Antrim and Waynesburgh Turnpike Company.

Passed April 1, 1814,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Halstead Coe, Edward Suffern, Josiah Concklin, John Knap, John D. Coe, Elias Gurnee, Andrew Suffern, John Felter and Abraham Dater, and all such

Other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the dwelling-house of John Suffern, Esquire, situated in the town of New-Hampstead; from thence in a direct course, as nearly as may be, to such point in the village of Waynesburgh, late Warren, in the town of Haverstraw, as the commissioners herein after named shall order and direct, be and they are hereby created a body corporate and politic, by the name of the president and directors of "The New-Antrim and Waynesburgh Turnpike Road Company," and by that name, they shall and may have continual succession, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions, complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of six hundred and forty shares of twenty-five dollars each, and that Edward Suffern, John Knap, John D. Cole, Josiah Concklin, Elias Gurnee, and George Smith, be, and they are hereby appointed commissioners to open books and receive subscriptions for the said stock in the manner directed in and by the act, entitled, "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to receive and exact at each of the gates or turnpikes to be erected on said road, for any number of miles, not less than ten in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: For every waggon or cart drawn by two horses, mules, or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon or cart; for every horse and rider, or led horse, mule, or jack-ass, four cents; for every cart drawn by one horse or mule, six cents; for every chair, sulkey, chaise, or other pleasure carriage with one horse twelve and an half cents; for every chariot, coach, coachee, phaeton, or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses, mules, or oxen, eight cents, and three cents for each additional horse, ox, mule, or jack-ass; for every score of driven horses or neat cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and in that proportion for a greater or less number; for every stage waggon drawn by two horses, twelve and an half cents, and three cents for each additional horse or mule.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled, "an act relative to turnpike companies,"

Proviso.

and shall be subject to all the conditions, provisions, restrictions, and regulations, contained in the said recited general act: *Provided*, That the width of the road hereby authorised to be made, shall not be less than three rods, nor the chord of the arch less than twenty feet.

[*Note*.—Add this to the table of turnpikes—V. N. & W. v. 2. 559.

CHAP. LXXXVI.

An ACT providing for the building of fire-proof Clerk's Offices, in the counties of Chenango and Orange.

Passed April 1, 1814.

Supervisors of Chenango to raise certain monies to build the offices, &c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the board of supervisors for the county of Chenango be, and they are hereby empowered, at any of their annual meetings, to raise the sum of eight hundred dollars by a tax on said county, in the same way and manner as the other taxes are levied and raised for defraying the contingent expenses of said county, not to exceed four hundred dollars in any one year, and that the same be paid into the treasury of said county, which money shall be drawn out and expended by order or under the direction of the board of supervisors, or such person or persons as they shall appoint for the purpose of erecting a fire-proof building for an office for the clerk of said county at the village of Norwich, near the court-house in said county; and when such building shall be completed to the acceptance of the judges of the court of common pleas of said county, or a majority of them, the records and papers belonging to the office of the clerk of said county, shall thereafter be kept in said office under the care and direction of the clerk of said county and his successors in office.

Papers, &c. when to be deposited there.

Supervisors of Orange to raise certain monies for the like purpose.

II. *And be it further enacted*, That the supervisors of the county of Orange at their annual meeting, on the first day of October next, shall levy and raise by tax on the freeholders and inhabitants of the said county of Orange, a sum not exceeding fifteen hundred dollars, over and above the ordinary expenses of collecting the same, which amount may be drawn from the treasury of the said county upon the order of William Thompson, George D. Wickham, David M. Westcott, James Carpenter and Reuben Hopkins, who shall be and are hereby appointed commissioners for superintending and building the said office, of such size and dimensions as to them shall seem proper, which office shall be built within forty rods of the court-house at Goshen, and the said commissioners shall account to the supervisors of the said county for all disbursements and expenditures arising to them in erecting the said fire proof clerk's office, and that after the said office shall be finished, the clerk of the said county shall keep his office in the same, with all the papers and records belonging thereto.

[*Note*.—Perhaps some general legislative provision as to building fire-proof Clerk's offices in all the counties would have been expedient.—In many of them such offices are built.]

CHAP. LXXXVII.

An ACT for clearing out the channels of Croton River and Muddy Brook, in the towns of Southeast and Patterson, in the county of Putnam.

Passed April 1, 1814.

WHEREAS, David L. Deforest, Isaac Crosby, Samuel Taw- Recital.
ner and others, have represented to the Legislature, that there exist certain natural and casual obstructions in the streams of Croton River and Muddy Brook, in towns of Southeast and Patterson, in the county of Putnam, immediately above the bridge, across the said river, at a place called Milltown, and elsewhere in the said towns; which occasion frequent overflowing of the said streams and very extensive inundations of the lands adjacent thereto, and that the same may be in a great degree if not wholly remedied by widening, deepening and straightening the channels of said river and brook: Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That Samuel Tawner, Benjamin Cawl, and Harrison Hopkins, all of the town of Patterson, aforesaid, be and they are hereby appointed assessors, whose duty it shall be as soon as conveniently may be done after the passing of this act, to view and to ascertain as nearly as they conveniently can do by information and inspection, the quantum of damages done to each individual, owning lands, subject to be inundated in consequence of the rise of the said river and brook, above the said bridge; and the relative injury sustained by each proprietor or occupant thereof; and to ascertain according to the best of their judgment the probable advantage that each proprietor or occupant would be likely to receive in consequence of the proposed improvement, and to rate the said several owners and occupants accordingly: And, agreeable to such estimate, to assess the said owners or occupants, proportionably, with the sum of one thousand seven hundred dollars, in the whole, to be raised; and after having completed the said assessment, to subscribe the same with their respective names, and forthwith, to deliver the said assessment roll to the commissioners, or either of them, herein after appointed. Certain assessors to ascertain the damage to owners of land subject to inundation, &c.

II. *And be it further enacted,* That the said assessors before entering upon their duties enjoined by this act, shall take and subscribe an oath, before a magistrate of the county of Putnam, well and faithfully to execute and perform the trust reposed in them, respectively, by this act, to the best of their skill and understanding, and that each of the said assessors shall receive the sum of one dollar and fifty cents for each day he shall be employed in discharging the duties enjoined on him by this act, to be paid to him by the commissioners hereinafter named, out of the monies so assessed. To assess the owners, &c.

III. *And be it further enacted,* That in case any one or more of the above named assessors shall die, or refuse to serve before finishing such assessment, as aforesaid, then and in such case the commissioners herein after named, or a majority of them, shall be To take an oath.

Their compensation.

and hereby are, authorised to appoint one or more person or persons to be assessor or assessors to fill such vacancy or vacancies.

Commissioners appointed to receive the monies, and their proceedings regulated, &c.

IV. *And be it further enacted*, That Ezra Ayres, Stephen Barnum, and Peter Ferry, of the town of Patterson, and David L. Deforest and Samuel B. Baxter, of the town of Southeast shall be and hereby are appointed commissioners for the purpose of receiving the monies assessed as aforesaid; and that they shall be and hereby are authorised to ask, demand, recover, and receive of each and every of the persons assessed, the respective sums which each person shall have been so assessed, which monies shall be and hereby are made recoverable from them at the suit of the said commissioners, or any one of them (who shall or may be appointed by a majority of them to act as collector) in any court within this state having cognizance thereof; *Provided always*, That no suit shall be commenced against any person so assessed, until after he or she shall have received notice under the hand or hands of one or more of the said commissioners, at least eight days before the commencement of such suit, of the sum or sums which such person is assessed: *And also*, that it shall be optional with the said commissioners, or a majority of them, to receive so much labor or personal service from any person or persons who shall be so assessed in the business of opening and straightening the channels of said river and brook, as shall be deemed an equivalent for the sum or sums of money so assessed, or any part thereof, by way of communication; and the said commissioners or a majority of them for effecting the purposes intended by this act, shall be and are hereby fully authorised and empowered to enter upon and pass through the lands aforesaid, without any hindrance or molestation from the owners thereof, and to employ such and so many agents, workmen, and means, as shall in the judgment of a majority of them, be best calculated to effectuate the purposes of this act, at such times and in such places as they or a majority of them shall deem most eligible and proper; retaining in their hands each the sum of one dollar for each and every day he shall devote to the duties enjoined on him by this act.

Proviso.

Authorised to enter upon lands, &c.

Their compensation.

Further assessments when and how to be made.

V. *And be it further enacted*, That after the whole of the monies received by the said commissioners, shall have been expended, and applied in manner as aforesaid, it shall be lawful for the said commissioners or a majority of them, if they shall deem the application and expenditure of a further sum advantageous and beneficial to the owners and possessors of the lands which shall have been so assessed, by eight days previous public notice, to be put up in at least two public and notorious places, in each of the before mentioned towns, to convene the persons interested, as aforesaid, in some central and convenient place to be named by them in said notices, at which meeting the said commissioners or a majority of them shall preside, and by a majority of the votes of the persons interested who shall be present at the said meeting to determine whether any, and if any, what further sum or sums of money they, the said commissioners shall be authorised to raise from the persons interested, in proportion to the former assessment; and in case the said commissioners shall be so authorised and empowered to raise such further sum or sums of money, they shall also have power,

to collect the same, and commence suits therefor, as above prescribed for the collection of the first assessment.

VI. *And be it further enacted*, That after the said river is straightened and cleared out as above said, it shall be in fact considered and deemed a public highway, and all and every person or persons who shall obstruct the same, shall be liable to the same penalties as are provided by the laws of this state for the punishment of those who obstruct highways.

River declared to be a public highway

[*Note.*—Legislative provision has heretofore been made in cases not unlike the present—*vide* V. N. & W. v. 2. 537. The necessity of applying it here, is obvious from the recital.]

CHAP. LXXXVIII.

An ACT in addition to an act, authorising the Supervisors of the County of Schoharie to raise money by tax, for the erection of a fire-proof clerk's office.

• Passed April 1, 1814.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Schoharie, and they are hereby authorised and directed at their annual meeting in October next, to cause a sum not exceeding four hundred dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar, for collecting the same, which sums shall be levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected for the purpose of erecting a fire-proof building for the use of the clerk of said county, and in which all public records and papers belonging to the office of the clerk of said county shall be kept, after the said building shall be complete.

Additional sum to be raised.

[*Note.*—The act amended is in sess. 36. ch. 28, and was passed Feb. 12, 1813.—There is a trifling variance in the title of that act, from the title as set forth in this amendatory act; the sum of 600 dollars was first authorised to be raised for building the clerk's office; that proving insufficient, the additional sum of 400 dollars is now authorised to be raised.]

CHAP. LXXXIX.

An ACT authorising the Trustees of the first incorporated Presbyterian Congregation, in Argyle, adhering to the associate reformed synod, to sell and convey their glebe lands.

Passed April 1, 1814.

WHEREAS the trustees of the first incorporated presbyterian congregation in Argyle, adhering to the associate reformed synod, are seised of one hundred and sixty acres of glebe lands in two separate lots, in trust, for the support of the officiating minister of said congregation: *And whereas* it is represented by the said congregation, that their interest will be promoted by a sale of the said lands: Therefore,

Recital.

Trustees
may sell
certain
lands, &c.

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said trustees be and they are hereby authorised and empowered, by and with the consent of the officiating minister of said congregation, to sell the said lands or any part thereof, and to convey the same to the purchaser or purchasers in fee simple, discharged from the said trust, and to vest the proceeds of the sales of the said lands, in other productive lands or funds by which the interest arising therefrom may be secured for the support of the officiating minister for the time being of the said congregation.

[*Note.*—This being a *special* trust for the benefit of the officiating minister, was not provided for by V. N. & W. v. 2. 218. § 11, and of course legislative provision became necessary.]

CHAP. XC.

An ACT for the relief of the legal representatives of James Hay, deceased.

Passed April 6, 1814.

Recital.

WHEREAS it is represented to the Legislature, that James Hay, late of the town of Cambridge, in the county of Washington, did on or about the fifth day of March, one thousand eight hundred and ten, depart this life intestate; leaving nine children, (one of whom is since dead) his heirs at law; the eldest of which heirs is now twenty-two years of age, and the youngest seven: That the said James Hay died seised and possessed of divers lands and tenements, situate in the counties of Washington and Warren; some parcels of which, situate in the county of Warren, are valuable, principally on account of the pine timber now standing thereon, but which from its exposed situation and liability to be destroyed by fire, and to be cut and carried away by trespassers, is deemed precarious property, and may be destroyed before any benefit can result therefrom to the heirs of the said James Hay, deceased; other parcels of which, lying in the county of Washington, the said James Hay in his life time contracted to sell; but in consequence of his death such contracts still remain to be executed; and other parcels, also lying in the county of Washington, are improved lands, but on account of the decay of the buildings erected thereon, and the scarcity of fencing timber, cannot be leased to advantage for the benefit of the heirs, nor be made to produce to them an annual rent equal to one half of the interest of the money for which the same may be sold: That after the decease of the said James Hay, Mary Hay, (his widow) James Stevenson, Jonathan Dorr, Garrit Wendell, and William Hill, (the latter of whom is also since dead) were duly appointed administrators of the goods, chattels, and credits of the said James Hay, deceased, and having taken upon themselves the burthen of the said administration, have proceeded to pay all the debts due and owing by the intestate at the time of his death: That the said Mary Hay, the widow, hath since the decease of the said James Hay, intermarried with Samuel M'Doual of the town of Cambridge, in the said county of Washington, and hath lately in conjunction with

her present husband, the said Samuel M'Doual, released all her dower and right of dower in and to all the real estate of the said James Hay, deceased, for the benefit of his children; and that it would greatly promote the interest of the heirs of the said James Hay; deceased, if an act should be passed, authorising the said administrators or a majority of them, to sell and convey under the direction of the court of chancery, all or any part of the real estate whereof the said James Hay died seised and possessed, as aforesaid; and also to execute and carry into effect any contract for the sale of any part or parcel of the said real estate made by the said James Hay in his life-time, as aforesaid; and such representation being verified to the satisfaction of the Legislature, and being moreover assented to, and such act as is above mentioned, being requested as well by such of the said children and heirs at law of the said James Hay, deceased, as are now of full age, as by the said Samuel M'Doual and Mary his wife, in behalf of themselves and such of the said children and heirs at law as are minors; and also, by the surviving administrators above named of the estate of the said James Hay, deceased: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the court of chancery of this state, on the application of the said Samuel M'Doual and Mary his wife, James Stevenson, Jonathan Dorr, and Gerrit Wendell, or a majority of them, or the survivors or survivor of them, or a majority of such survivors, or upon the application of such of the heirs of the said James Hay, deceased, as may be of full age, in conjunction with the guardian or guardians for the time being, of such of the said heirs as may be minors, by petition or otherwise, as the said court may direct or approve, to make any order or decree authorising and empowering the said persons so applying to sell, grant and convey in fee simple, the real estate whereof the said James Hay died seised, as aforesaid, in the said counties of Washington and Warren, respectively, or any parts or parcels of such real estate, in such manner and upon such terms of credit, in respect to the whole or any part of the purchase money, as the said court shall think proper, and in case of a sale or sales on credit, to direct what security shall be taken for the same, and in whose name or names the same shall be taken; and also, to make any order or decree authorising and empowering the said persons so applying, to grant and convey to the bargainee or bargainees, or his or their legal representatives, all such lands, situate in the said county of Washington, as the said James Hay in his life-time contracted to sell as aforesaid, and for the sale of which any valid and subsisting contract shall still remain outstanding and unexecuted, and upon the execution of any such conveyance to receive the purchase money, if any, which may still remain due and unpaid upon such contract or security for such purchase money, payable at such times and to such persons as the chancellor shall think proper and direct.

II. *And be it further enacted,* That the said court of chancery may, previous to any order or decree for the conveyance of the said real estate, or any part thereof, cause any inquiry or report

Chancery
authorised
to direct the
sale of cer-
tain real es-
tate.

To direct
the security
of purchase
monies.

To cause
a master in
chancery
first to re-
port in the
premises.

which shall be thought proper, to be made by a master of the said court or other officer or person, to the end that such orders may be made in the premises as to the said court shall appear to be just.

Costs how to be paid.

III. *And be it further enacted*, That it shall be lawful for the said court of chancery, to order the payment of all necessary costs and expenses, which may accrue in carrying the provisions of this act into effect, out of the proceeds of the sales of the said real estate, or any part thereof.

Conveyances to vest the title in the grantees discharged of dower.

IV. *And be it further enacted*, That any conveyance or conveyances of the said real estate, or any part or parcel thereof, which shall be made under and in pursuance of this act, or of any order or decree of the said court of chancery by virtue thereof, shall vest in the grantee or grantees of such real estate, all the estate, right, title and interest of the said James Hay, deceased, at the time of his decease, and of his children and heirs at law, respectively, in and to the same, and every part and parcel thereof, freed and discharged from the dower and right of dower of the said Mary M'Doual therein.

[*Note.*—This act is sufficiently explained by its recital.]

CHAP. XCI.

An ACT for the relief of the representatives of Elijah Tompkins, deceased.

Passed April 6, 1814.

WHEREAS it has been represented to the legislature by Sarah Tompkins, widow of Elijah Tompkins, late of the town of Greenburgh, in the county of Westchester, farmer, deceased, and by Edward Cowenhoven, and Mary his wife, Jonathan D. Odell, and Phebe his wife, Gabriel Tompkins, Nancy Tompkins and Alexander C. Tompkins, which said Mary, Phebe, Gabriel and Alexander, are children of the said deceased; that the said Elijah Tompkins died intestate, in the month of December last past, seised and possessed of certain real and personal estate in the said town, and leaving a widow and twelve children, the youngest whereof is about two years of age; that there are debts due from the estate to individuals; that no partition of the real estate can be made at present without great expense and prejudice to some of the minor children; that a portion of the land of the deceased is detached from the dwelling house and farm occupied by the deceased at the time of his death, and that the personal estate consists chiefly of household furniture, farming utensils, stock and other conveniences for farming; and that the said petitioners are desirous that so much of the land detached from the farm occupied by the deceased and his family at the time of his death, may be sold, as may be necessary to pay the debts of the deceased, by James M'Cord and Thomas Tompkins, and that the lands unsold and the farm occupied by the widow and children, and the personal estate, may continue in the possession and controul of the said widow, for the purpose of bringing up, maintaining and

educating the infant children of the deceased, until George Clinton Tompkins, the youngest male child, shall arrive at lawful age, or until the said widow shall die or remarry; and it appearing to the legislature that it is reasonable and will be beneficial to the widow and family of the said deceased to grant the prayer of the said petitioners: Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for Thomas Tompkins and James M'Cord, of Greenburgh, in the county of Westchester, farmers, to sell and convey so much of the land whereof the said Elijah Tompkins died seised, in Greenburgh aforesaid, and which is separate and detached from the farm whereon he resided at the time of his death, as may be sufficient to pay the debts due from the said Elijah Tompkins, deceased, and to give good, sufficient and valid conveyances therefor to the purchaser or purchasers thereof: *Provided*, That before any such sale shall be made, the said Thomas Tompkins and James M'Cord, shall enter into bonds with sufficient sureties, to be approved by the chancellor, conditioned for the faithful performance of the trust reposed in them: *And provided also*, That the chancellor of this state shall previously, by an order of court or otherwise, authorise the said sale as being beneficial to the infant children of the said Elijah Tompkins, deceased: *And provided further*, That in case either of the infant male children, on attaining the age of twenty-one years, or any time thereafter, shall be desirous of a division of the said estate, or of having his share of the said estate set apart to him, it shall be lawful for any such male child on attaining the said age of twenty-one years, at any time thereafter to apply to any court of law or equity in this state for a partition of the said estate, or otherwise, for his share and interest therein to be assigned or allotted to him; and such partition may be thereafter made or other proceedings had thereon, as the right and interest of the applicant may require, any thing in this act contained to the contrary notwithstanding.

T. Tompkins authorized to sell certain lands.

Proviso.

Further proviso.

Further proviso.

II. *And be it further enacted*, That out of the proceeds of the sale to be made as aforesaid, the said trustees, or the survivor of them, shall, as soon as may be convenient, pay the debts owing by the said Elijah Tompkins at the time of his death.

Proceeds of sale how disposed of.

III. *And be it further enacted*, That if such sale be authorised and made as aforesaid, it shall and may be lawful for the said widow to occupy and possess the farm whereon the said Elijah Tompkins resided at the time of his death, and such other lands as are not sold by virtue of this act, and to use and enjoy the same; and the personal estate whereof he died possessed, until the time that the youngest male child of the said deceased shall arrive at the age of twenty-one years: *Provided*, The said widow shall relinquish all right and title to dower in the land to be sold by virtue of this act, and shall release the same to the said trustees, or to the purchaser or purchasers of the said land: *And provided also*, That the provisions of this act, so far as relates to the use and enjoyment of the farm and lands of the deceased,

The widow to possess certain estate.

Proviso.

and the use of his personal estate, shall cease upon the re-marriage or death of the said widow.

[*Note*.—This act is in some respects similar to the preceding.]

CHAP. XCII.

An ACT relative to the gaol and general sessions of the Peace of the county of St. Lawrence.

Passed April 6, 1814.

Special.

WHEREAS the gaol of the county of St. Lawrence is on the frontiers of the United States, and so much exposed to the depredations of the enemy as to render it unsafe to commit prisoners in the same during the present war : Therefore,

Prisoners in certain cases may be removed to Lewis.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for all courts and officers of the county of St. Lawrence, in all cases civil and criminal, whenever they shall judge it necessary for their safe keeping, to confine their prisoners in the gaol of the county of Lewis, during the continuance of the present war, and the sheriff of the said county of Lewis, is hereby directed to receive the same.

An additional term in St. Lawrence

II. And be it further enacted, That there shall be held a court of general sessions of the peace, in and for the county of St. Lawrence, on the second Tuesday of October in every year, in addition to one directed to be held on the second Tuesday of January.

[*Note*.—This act grows out of the present war, the history of which sufficiently proves the necessity of passing this act.]

XCIII.

An ACT to Incorporate the Princetown Turnpike Company.

Passed April 6, 1814.

Corporation created and general powers.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That Archibald Craig, John Victory, Jonathan Herrick, George W. Featherstonhaugh, and such other persons as shall associate with them to make a turnpike road from Burton's bridge, at the Schoharie creek in the town of Duaneburgh, to or near the house of Bartholomew Schemerhorn, in the third ward of the city of Schenectady, so as to intersect the road leading from said Schemerhorn's to the compact part of the said city of Schenectady, on the best and most eligible route for the same, shall be and are hereby created a body corporate and politic in fact and in name, by the name of the President and directors of the Princetown turnpike road Company, and by that name they may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by the same name and style shall be in law capable of pur-

chasing, holding and conveying any estate, real and personal, for the use of said corporation : *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of said company shall consist of six hundred shares, of twenty dollars each, and that Archibald Craig, Maus Van Vranken, George W. Featherstonhaugh and John Victory, be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth of March, one thousand eight hundred and seven.

Capital stock

Commissioners to receive subscriptions.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive, at a toll-gate or turnpike to be erected on the said road, from all persons travelling and using the same, the following rates of toll, to wit: for every waggon with two horses or oxen, fifteen cents, and five cents for every additional horse or ox used before any waggon, cart or other carriage; for every one horse cart, eight cents; for every coach, phaeton or curricule, with two horses, thirty cents, and ten cents for every additional horse; for every sulkey, chair, chaise or other one horse pleasure carriage, eighteen cents, and seven cents for an additional horse; for every cart drawn by two oxen, fifteen cents, and for every additional ox, five cents; for every sleigh or sled, drawn by two horses or oxen, six cents, for every additional horse or ox, three cents; for every score of horses, cattle or mules, fifty cents, and so in proportion for any greater or less number; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number; for every stage-waggon, drawn by two horses, fifteen cents, and five cents for every additional horse.

Toll allowed to be taken.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights and privileges which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act, except where the same is altered by this act.

General rights and privileges of corporation.

V. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the city of Schenectady, to convey to the corporation hereby created, such of their common lands as may be necessary for the said road, and over which the same may pass, any law to the contrary thereof in any wise notwithstanding.

Corporation of Schenectady to grant certain lands.

VI. *And be it further enacted*, That it shall not be lawful for the corporation hereby created, to establish or erect a toll-gate in any part of the third ward of the city of Schenectady; and that it shall and may be lawful for the said president and directors, to commute with any of the inhabitants of Duaneburgh and Princetown, for travelling on said road, or to lessen the rates of toll for all travellers if they shall deem it expedient.

Restriction as to placing a toll-gate.

[*Note*.—Add this to the table of Turnpikes—V. N. & W. v. 2. 559.]

CHAP. XCIV.

An ACT appointing commissioners and making an appropriation for improving the road from the village of Angelica, in the county of Allegany, to the village of Hamilton, in the county of Cattaraugus.

Passed April 6, 1814.

Commissioners appointed to improve the road.

3000 dollars appropriated.

Provided.

Compensation to commissioners.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That* Adam Hoops, John T. Hyde, and Henry Conrad, be and they are hereby appointed commissioners for the purpose of improving the road leading from the village of Angelica, in the county of Allegany, to the Allegany river, at the upper landing in the village of Hamilton, in the county of Cattaraugus; and the treasurer of this state is hereby required to pay to the said commissioners, or to their order, the sum of five thousand dollars, to be applied in due proportions to the improvement of such parts of said road as may stand in need thereof, in such manner that such road generally, from beginning to end thereof, may be improved to the best advantage, that the said sum of five thousand dollars will admit of: *Provided however,* That previous to the payment of said money, the said commissioners shall give to the comptroller of this state, sufficient security that they will faithfully expend and account for said money; and the certificate of the comptroller shall be considered by said treasurer as proof that said commissioners have complied with the requisites of this act.

II. *And be it further enacted,* That each of the commissioners appointed by this act, shall be entitled to two dollars and fifty cents per day for each day they shall be respectively employed in the discharge of the duties imposed on them by this act, to be paid out of the aforesaid money.

[*Note.*—In 1802, the country on the Allegany river, below the mouth of the Olean, and back from the river, was explored by Major Adam Hoops, (one of the commissioners named in the act) and a position chosen at the confluence of these rivers for a village, as a place of embarkation.—In 1803, a settlement was begun near the site of the intended village, which was inaccessible except by an indifferent circuitous road to King's settlement, in Pennsylvania, near the line between the two states, and on the Oswayo, a branch of the Allegany, falling into that river about six miles above the mouth of the Olean, and down that branch and the river. In October, 1804, a sort of a road was made which opened a communication with Angelica, about 31 miles. In 1807, a road falling into this road was made, which opened a communication with Geneseo, another road being also opened from Angelica. All these roads were made without a due regard to their importance. In 1808, the settlement having made some progress, the village was laid off and called *Hamilton*, in memory of Major-General ALEXANDER HAMILTON. The importance of the position attracting public attention, the legislature in 1812, (*vide* sess. 35. ch. 107,) appropriated 3000 dollars for improving the road from Angelica to Hamilton. In 1813, (Sess. 36. ch. 72) the legislature appropriated 6000 dollars to another road, which opened the communication westward, and also a communication southeastward. This session the legislature appropriated 5000 dollars more for improving the road from Angelica to Hamilton; there having been immense travelling during the preceding winter, and large quantities of salt having been transported, proved its importance, while it rendered the improvement of the roads indispensable. Considering likewise, the great demand of *Plaster of Paris* at Pittsburgh, the route became essential on that account. It was also extremely important, as being the shortest route in travelling from the New-England states to the states and territories on the Ohio and Mississippi rivers. The legislature, with a liberality and zeal worthy of the great objects in view, passed the present act, and thus added new facilities to the wealth and prosperity of the northern and western parts of this state.]

CHAP. XCV.

An ACT to authorise the guardians of the infant children of John L. Hardenburgh, deceased, to sell a lot of land therein described.

Passed April 6, 1814.

WHEREAS David Brinkerhoff, Daniel Bevier, and Martha Hardenburgh, by their petition to the legislature, represent that the said David Brinkerhoff and Daniel Bevier have been duly appointed guardians of Cornelia Hardenburgh, John H. Hardenburgh and Maria Hardenburgh, infant children of John L. Hardenburgh, late of the village of Auburn, in the town of Aurelius, in the county of Cayuga, deceased; and that the said John L. Hardenburgh died seised of lot number forty-seven, in said town of Aurelius and village of Auburn, and that the value of the said lot is greatly enhanced by the settlement of said village; they further represent that the said John L. Hardenburgh, in his life time, opened, laid out and appropriated for a public square, the following pieces of land, situate in said village of Auburn, being part of said lot number forty-seven, bounded as follows, to wit: Beginning at a point where the old and new Genesee roads (so called) intersect each other, and thence running north on said old Genesee road, to land belonging to the heirs of Daniel Hyde, deceased; then east on the line of said land, to land in possession of Joseph I. Pitney; thence southerly on said Pitney's line, to the said new Genesee road; thence west on the said road to the place of beginning; containing about three eighths of an acre of land, and that the said John L. Hardenburgh in his life-time, repeatedly declared that the same should be appropriated for public use and for some public building; they further represent that the first congregational society in the said village of Auburn, are desirous to build a meeting-house on the aforesaid lot, and that they verily believe that the building such meeting-house on the same will greatly enhance the value of the adjacent lands belonging to the said infant children in the village of Auburn aforesaid: *And whereas* it appears from the facts set forth in the said petition, that the sale of the said lot of land will be beneficial to the infant heirs of the said John L. Hardenburgh, deceased, and that it will greatly accommodate the inhabitants of said village, and carry the benevolent views of the said John L. Hardenburgh into effect: Therefore,

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That David Brinkerhoff and Daniel Bevier, guardians of the infant children of the said John L. Hardenburgh, deceased, be and they are hereby authorised and empowered, for the purpose of carrying the intention of the said John L. Hardenburgh into effect, relative to said lot, under the direction and order of the first judge of the court of common pleas in and for the county of Cayuga, if in the opinion of the said first judge the same shall be beneficial to the interest of the infant heirs of the said John L. Hardenburgh, to sell and convey in fee simple, by good and sufficient deeds of conveyance, all the said lot of land, bounded as above is particularly specified, containing about three eighths of an acre of land, to the trustees of the first con-

Realty.

Guardians of the children to convey certain land.

gregational society in Auburn, and their successors, for the use of the said society to build a meeting-house, or place of public worship thereon; to hold the same to the said trustees and their successors forever, for the use and purpose aforesaid, and for no other use, intent or purpose whatsoever; which deed shall be duly acknowledged and recorded in the clerk's office in the county of Cayuga, and then shall be considered in law and equity to have conveyed the title of said lot of land to, and vested the same in the said trustees and their successors, as fully and absolutely as if it had been executed by the said John L. Hardenburgh in his life time.

Deed to be recorded.

[*Note.*—The frequent applications to the Legislature for relief in cases of this kind, indicated the necessity of some general provision, and accordingly the legislature passed an act for the purpose—*vide* ch. 108.]

CHAP. XCVI.

An ACT to authorise certain commissioners to alter the state road leading from Johnstown to Black river.

Passed April 6, 1814.

Commissioners to review the road and may alter it.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That Walter Martin, Jacob Brown and Peter Schuyler, Esquires, who were commissioners for laying out and improving a road from Johnstown, to the Black river country, in pursuance of an act passed the twenty-sixth day of March, one thousand eight hundred and three, entitled "an act for opening and improving certain great roads in this state," are hereby authorised to review that part of said road near where the road leading from Utica intersects the same; and if in their opinion the public interest will be promoted by an alteration, they are authorised to alter the same; and wherever they shall so alter the same, it shall be considered, used and improved in the same manner as though it had been so laid out in the first instance, while acting under the law above mentioned.

[*Note.*—The act referred to in this act, is in Sess. 27. ch. 59.—The 8th section of that act authorised the appointment of not less than three commissioners, "to lay out a road from within two miles of Preston's Tavern, in the town of Steuben, to Johnstown, or as near Johnstown as the nature of the ground and the general interest of the Black river country require." Monies were directed by that act to be raised by lottery, for the purpose of opening and improving certain great roads in this state—these lotteries have been drawn, and the monies thus raised have been applied to the objects contemplated by the legislature.]

CHAP. XCVII.

An ACT to carry into effect the will of Peter Van Brugh Livingston, deceased.

Passed April 6, 1814.

Recital.

WHEREAS William Edgar, Charles Ludlow and Cornelius Livingston, the executors of Philip Livingston, deceased, who was the surviving executor of the said Peter Van Brugh Livingston, together with the devisees of the said Peter Van Brugh Livingston, or their representatives, have by their petition set forth

that the said Peter Van Brugh Livingston had by his last will and testament, bearing date the eighteenth day of September, one thousand seven hundred and ninety-two, ordered and directed all his estate, real and personal, to be divided into fifty shares, and had devised the same in different proportions to his children and grand-children therein named, as is specified in the said petition; that he had appointed the said Philip Livingston and Gerard Bancker, both deceased, the executors of his said will, with power to them and the survivor of them to sell his real estate for the purpose of making the division aforesaid; that in pursuance of such power, the said Philip Livingston, as such surviving executor, had entered into numerous contracts for the sale of lands belonging to the said estate to divers persons, many of whom had paid or nearly paid the whole amount of their purchase monies, and were desirous of receiving deeds in pursuance of the said contracts; and that in consequence of the death of the said Philip Livingston, and the minority of a great number of the representatives of the said devisees, and the residence of others within the territory of the enemy, they found it impossible to execute deeds in pursuance of the said contracts, or to dispose of such parts of the real estate of the said Peter Van Brugh Livingston, as remained unsold and uncontracted for, and praying for an act authorising the said William Edgar, Charles Ludlow and Cornelia Livingston, to execute deeds to the purchasers of the said lands, in pursuance of the said contracts, and vesting such of the real estate of the said Peter Van Brugh Livingston as remained unsold and uncontracted for, in the said William Edgar, Charles Ludlow and Cornelia Livingston, as trustees, with power to sell and dispose of the same, in execution of the said will: Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the said William Edgar, Charles Ludlow and Cornelia Livingston, and the survivors and survivor of them, be and they are hereby authorised and empowered to make, execute and deliver good and sufficient deeds or conveyances in the law to the several and respective purchasers of lands belonging to the estate of the said Peter Van Brugh Livingston, deceased, in pursuance of and according to the terms and true intent and meaning of any contracts heretofore made for the sale of such lands by his said executors, or the survivor of them, which deeds or conveyances shall operate to convey all the estate, right, title and interest, which the said Peter Van Brugh Livingston had in the said lands at the time of his death, to the said several and respective purchasers thereof.

W. Edgar
and others to
execute cer-
tain deeds.

II. *And be it further enacted,* That all the residue of the lands and real estate whereof the said Peter Van Brugh Livingston died seised, within this state, and which remains unsold and uncontracted for, either by the said Peter Van Brugh Livingston or his said executors, or the survivor of them, be and the same hereby is vested in the said William Edgar, Charles Ludlow and Cornelia Livingston, the trustees appointed by this act, as joint tenants, with power to sell and dispose of the same, or any part thereof, in fee simple, and to execute good and sufficient deeds or conveyances thereof to the purchaser or purchasers thereof, which

Residue of
estate vested
in said per-
sons as joint
tenants, with
power to sell.
&c.

deeds or conveyances so to be executed by the said trustees, or the survivors or survivor of them, shall operate to convey to the grantees therein named respectively, all the estate, right, title and interest which the said Peter Van Brugh Livingston had in the said lands and real estate at the time of his death; and the said trustees are hereby ordered and directed to divide and distribute the net proceeds of such sales, and all monies that may be paid into their hands upon the contracts herein before mentioned, after deducting all the expenses that may attend the execution of this trust, from time to time as they may receive enough to make a reasonable dividend thereof among the devisees, or their representatives of the said Peter Van Brugh Livingston, deceased, according to the directions and true intent and meaning of the said last will and testament of the said Peter Van Brugh Livingston.

And with
power to
make parti-
tion.

III. *And be it further enacted*, That if in the opinion of the said trustees, or the survivors or survivor of them, it may be more for the interest of the several parties concerned therein that the said lands which are now unsold and uncontracted for of the said estate of the said Peter Van Brugh Livingston, deceased, or any part thereof, should be partitioned and divided among the said several proprietors, that then and in such case, it shall and may be lawful for any one or more of the said parties interested therein, with the assent and approbation of the said trustees, or the survivors or survivor of them, to petition for a partition of the same, in the manner prescribed by the act, entitled "an act for the partition of lands," and the several acts supplementary thereto, and the said assent and approbation of the said trustees, shall be expressed by their signing the petition aforesaid; and such proceedings shall be thereupon had as are prescribed and directed in and by the said act, and the several acts aforesaid, any thing herein contained to the contrary notwithstanding.

And may in-
stitute such
proceeding.

IV. *And be it further enacted*, That the said trustees, and the survivors and survivor of them, be and they hereby are authorised and empowered to join in a partition or otherwise be made parties therein for the partition of any lands and real estate that may be held jointly or in common, by the devisees of the said Peter Van Brugh Livingston, or their representatives, and any other person or persons pursuant to the said act for the partition of lands; and the part which upon such partition shall be allotted to the said devisees or their representatives, shall be conveyed by the commissioners acting therein, to the said trustees, or if sold by the commissioners, the proceeds of such part shall be paid to the said trustees.

Their com-
pensation.

V. *And be it further enacted*, That the said trustees and survivors or survivor of them, be and they hereby are authorised to deduct and retain, over and above all disbursements, a reasonable compensation for their services in the premises.

To give
security.

VI. *And be it further enacted*, That the said trustees, before they proceed to execute their trust, shall give such security as the chancellor shall deem necessary for the faithful performance of the trust reposed in them.

[*Note.*—See Note to ch. 95.]

CHAP. XCVIII.

An ACT to alter the times of holding Circuit Courts in certain counties therein mentioned.

Passed April 6, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That instead of the times appointed by a rule of the supreme court of judicature of this state, of January term last, for holding circuit courts in the counties of Madison, Onondaga, Cayuga, Seneca, Ontario and Genesee, respectively, the next circuit court in and for said counties, shall be holden at the times following, to wit: in the county of Seneca, on the twenty-sixth day of May next, in the county of Ontario, on the thirty-first day of May next; in the county of Genesee, on the seventh day of June next; in the county of Cayuga, on the thirteenth day of June next; in the county of Onondaga, on the twentieth day of June next, and in the county of Madison, on the twenty-seventh day of June next: and that it shall not be necessary to hold a circuit court in the county of Niagara during the present year, unless in the opinion of the said supreme court the public interest shall require it.

Circuits in certain counties altered.

No circuit in Niagara unless, &c.

[*Note.*—At the last term of the Supreme Court, the circuits in these counties were directed to be held at certain times appointed by the court, under the act in V. N. & W. v. 1. 335.—This appointment proving inconvenient, the legislature, at the suggestion of his honor Mr. Justice Platt, altered the times of holding such courts.]

CHAP. KCIX.

An ACT further to extend the time allowed by law for the completion of the Bowman's Creek Turnpike Road.

Passed April 6, 1814.

I. BE it enacted by the people of the State of New-York represented in Senate and Assembly, That the time allowed by law for the completion of the Bowman's creek turnpike road, be and is hereby extended to the first day of October, in the year one thousand eight hundred and sixteen; and that the capital stock of said company be and is hereby increased ten thousand dollars, to be subscribed for and applied in the same manner as the original stock.

Time extended.

Stock increased.

II. And be it further enacted, That it shall and may be lawful for the president and directors of Bowman's creek turnpike company, for the time being, to alter the site of the present road, beginning at the house of Andrew Myers, in the town of Canajoharie, from thence the most direct route to or near the house of Philip P. Rockefeller, in the town of Charlestown; from thence to or near the house of Joseph Crocker, in the town of Schoharie; and from thence the most convenient route until it intersects the great western turnpike road, a little west of the house of John R. Sloan, in the county of Schoharie.

Company may alter the direction of the road and how.

[*Note.*—Bowman's creek turnpike company, was incorporated March 25, 1808—Sess. 31. ch. 66.—The route directed by that act to be pursued, was "to begin at the mills of Abraham Van Horne, in the town of Minden, in the county of Montgomery, &c."—The stock was limited at 25,000 dollars, (being 1250 shares, at 20 dollars each.)

An ACT to amend an act, entitled "an act for the relief of the heirs of the late George Clinton, Esquire, deceased."

Passed April 6, 1814.

Repealed.

WHEREAS difficulties have arisen with respect to the partition of the estate of the late George Clinton, Esquire, deceased, pursuing the mode prescribed by the act hereby amended: Therefore,

Commissioners may make partition by parcels.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners mentioned in the act hereby amended, to proceed in the partition of the estate of the said George Clinton, deceased, by parcels, and to make and file reports of their proceedings from time to time.

To sell certain lands & distribute proceeds.

II. *And be it further enacted,* That it shall and may be lawful for Matthias B. Tallmadge, Stephen D. Beekman, and Edmund C. Genet, and the survivor or survivors of them, to sell the fee of such part or parts of the lands lying in the patent of the Kyadarosseras, which remain unsold; and also such lands in the said patent as have been contracted for and sold, but which said contracts and sales have become forfeited or may be relinquished, and that the proceeds thereof be distributed among the persons entitled thereto, according to their respective rights and interests therein.

To divide lands in the most beneficial manner.

III. *And be it further enacted,* That it shall and may be lawful for the said commissioners to divide among the heirs of the said George Clinton, all the lands and real estate of the said George Clinton, in the way most beneficial to the interest of the heirs of the said George Clinton, and so as to comprehend in one partition, lands that do not lie contiguous or adjoining: *Provided* the same in their opinion is necessary, for a more just, equal and beneficial division thereof; which partition shall be made by lot, according to the directions of the act hereby amended.

Proviso.

If that cannot be done, then to sell, &c.

IV. *And be it further enacted,* That it shall and may be lawful for the said commissioners, when any portion or portions of the said real estate of the said George Clinton is so situated that the same cannot be a fit subject to be divided into four parts, and cannot conveniently or advantageously be connected in partition with any other property, to sell and convey the same, and divide the proceeds thereof among the heirs of the said George Clinton, according to their respective right and interests therein: *Provided always,* That such sales shall not be made without the unanimous consent of the heirs or their legal representatives.

Proviso.

Certain other lands to be divided between the heirs of E. L'Hommedieu and of G. Clinton.

V. *And be it further enacted,* That it shall and may be lawful for the said Matthias B. Tallmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, on the part of the heirs of the said George Clinton, and for Sylvester Derring and Thomas S. Lester, on the part of the heirs of Ezra L'Hommedieu, deceased, to make partition of certain real estate, lying at or near Three River Point, now held by the heirs of the said George Clinton, and the heirs of the said Ezra L'Hom-

medieu, as tenants in common : *And further*, That it shall and may be lawful for the said Matthias B. Tallmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to divide and make partition with any person or persons who are or may as tenants in common with the heirs of the said George Clinton, deceased, be seized of or entitled in law or equity to any other real estate, wheresoever the same may be situated within the state of New-York ; and after such division and partition made, that it shall and may be lawful for the said commissioners to proceed to the partition and division of the part or parts of such real estate as shall fall or be allotted to the heirs of the said George Clinton, deceased, in the manner prescribed in and by this act and the act hereby amended.

[*Note*.—The act amended is in Sess. 36. ch. 59.]

CHAP. CI.

An ACT to incorporate the North American Coal Company.

Passed April 6, 1814.

WHEREAS Cadwallader D. Colden, Jeremiah F. Randolph, Recital. and Hector Craig, have with others associated together for the great and important purpose of finding coal and other mines and minerals, and supplying the public with the same ; and the said associates have in the pursuit of those objects at great expense and personal labor become the proprietors for long terms of years of divers parcels of land situated in the states of New-York, Connecticut and New-Jersey, wherein coal has been discovered in such quantities, and of such qualities, as fully shew that they may be usefully worked as mines :

And whereas the said associates have represented that the prosecution of their undertaking will in all probability be attended with expenses which it will be imprudent in them to hazard without legislative patronage, and have therefore prayed to be incorporated : *And whereas* the Legislature duly appreciate the benefits that will result to the mechanic, the manufacturer, and the community at large, by a ready and cheap supply of that valuable article of fuel : Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said Cadwallader D. Colden, Jeremiah F. Randolph and Hector Craig, and such others as now are or hereafter may be associated with them for the purposes aforesaid, shall and hereby are ordained, constituted and declared to be until the first day of May, which will be in the year of our Lord one thousand eight hundred and thirty-four, a body corporate and politic in fact and in name, by the name of "The North-American Coal Company," and by that name they Further Recital. and their successors and assigns until that time shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their Corporation created and general power. Style.

successors may have a common seal, and make, change and alter the same at their pleasure : *And also*, that they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said corporation : *Provided*, that the real estate or their interest therein, so to be holden, shall be such only as shall be requisite to promote and obtain the objects of this corporation, or such as shall have been, bona fide, mortgaged to it by way of security for loans, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts or sales made by virtue of any mortgage given to said corporation for the purposes aforesaid.

Proviso.

Capital stock

II. *And be it further enacted*, That the capital stock of the said corporation shall be seven hundred and fifty thousand dollars, and that a share in the said stock shall be twenty-five dollars, and that the subscriptions to the said capital stock be opened and kept open under the direction of the president and directors of the said corporation, until the number of shares subscribed shall amount to ten thousand.

Directors
how chosen,
&c.

III. *And be it further enacted*, That the stock, property, affairs, and concerns, of the said corporation shall be managed and conducted by eleven directors, (one of whom to be president) who shall hold their offices for one year from the first Monday of May in every year hereafter, and that the said directors shall be elected on the first Monday of May, in every year hereafter, at such time of the day, and at such place within the city of New-York as a majority of the directors for the time being may appoint, and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York ; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose in their proper persons, or by proxy, and all elections shall be by ballot, each share of the stock having one vote, and the persons who shall have the greatest number of votes at any election shall be the directors ; and if it shall happen at any election, that two or more persons have an equal number of votes, so that no choice shall have been made as to such person, then the said stockholders herein before authorised to vote at such elections shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors so to complete the whole number of eleven : and the said directors as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president, and if any vacancy shall be occasioned in the said direction by death, resignation, or otherwise, the same shall be filled for the remainder of the year, in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint : That the first directors shall be Cadwallader D. Colden, Jeremiah F. Randolph, Hector Craig, Thomas Addis Emmet, Matthias Bruen, Garret Gilbert,

Vacancies
how filled.

First direct-
ory

Benjamin Ferris, Anthony Stafford, John W. Wyman, John M'Kesson and Richard Riker, and shall hold their offices until the first Monday of May, one thousand eight hundred and fifteen, and until others shall be chosen.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the bye-laws and ordinances of the said corporation. Election may be held at any day.

V. *And be it further enacted*, That it shall be lawful for the president and directors of said corporation to call and demand of the stockholders, respectively, all such sums of money as are by them subscribed at such times, and in such manner, and proportions as they shall deem fit, under pain of forfeiture of their shares, and all previous payments thereon to the said corporation; always, however, giving at least thirty days previous notice of such call and demand, in two or more of the public newspapers, to be published as aforesaid. Calls on stock.

VI. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such bye-laws, rules and regulations, not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the duties and conduct of the officers, clerks and servants employed therein; the election of directors; and all such other matters as appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet. Powers of the board of directors.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. Transfer of stock.

VIII. *And be it further enacted*, That all dividends to be made upon the profits of this corporation, shall be paid equally to all the stockholders thereof, in proportion to their respective interests therein. Dividends.

IX. *And be it further enacted*, That it shall not be lawful for the corporation hereby established, to employ any part of their capital stock or funds, in the purchase of any stock, created by any law of this state or of the United States, or in any other business or employment than such as shall be proper and necessary for carrying into effect the declared objects of this act. Restriction as to the purchase of stock, &c.

[Note.—See Appendix.]

An ACT to incorporate the New-York Coal Company:

Passed April 6, 1814.

Enacted.

WHEREAS Robert Troup, Robert Fulton, and others, citizens of this state, have associated for the purpose of exploring and working mines of coal and other valuable minerals, and for delivering at the city of New-York, coal for fuel at a reasonable price from the Ohio river, or from any part of this state, or of the United States, wherever good coal may be most advantageously procured: *And whereas* the said associates in a memorial to the Legislature have represented the importance of such an establishment to the United States; to the manufactures of this state; to the inhabitants of the said city and of its vicinity, who sustain much inconvenience from the increasing scarcity of fuel: *And whereas* the said associates have also represented the difficulty of inducing persons to invest money in an untried, and therefore uncertain enterprise, requiring a large capital, and have prayed to be incorporated, in order to enable them to effect the objects and purposes aforesaid: Therefore,

Corporation created and general powers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the said Robert Troup, Robert Fulton, and such other persons as now are, or may hereafter be associated with them, for the purposes aforesaid, shall be and hereby are constituted, ordained and declared to be until the first Tuesday of June, which will be in the year of our Lord one thousand eight hundred and thirty-five, a body corporate and politic in fact and in name, by the name of "The New-York Coal Company," and by that name, they and their successors, until the day last mentioned, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, matters and causes whatever; and, that they and their successors may have a common seal, and make, and change, and alter the same at their pleasure: And also, that they and their successors by the same name and style shall be in law capable of purchasing, holding and conveying, any estate real or personal, for the use of the corporation: *Provided,* That the real estate so to be holden, shall be such only as shall be requisite to attain or promote the objects of this incorporation or such as shall have been bona fide mortgaged to them by way of security for loans or other debts, or conveyed to them in satisfaction of debts previously contracted in the course of their dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.

Style.**Proviso.****Capital stock**

II. *And be it further enacted,* That the capital stock of the said corporation shall not exceed seven hundred thousand dollars, and a share in the said stock shall be fifty dollars, and shall be deemed personal estate.

Directors how chosen, &c.

III. *And be it further enacted,* That the stock, property, estate, affairs and concerns of the said corporation, shall be managed by

twelve directors, being stockholders therein, and citizens of this state, who shall hold their offices for one year from the second Tuesday of June in every year, and until others be elected in their stead; and the said directors shall be elected on the first Tuesday in June in each year, at such time of the day, and at such place within the city of New-York, as a majority of directors for the time being, shall appoint, and public notice thereof shall be given, not less than thirty days previous to the time of holding such election, by an advertisement to be inserted in at least two of the newspapers published in the said city; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and the said election shall be by ballot, each share of stock having one vote, and the twelve persons having the greatest number of votes, at such election, shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, then the directors in office, at the time of such election, or the majority of them, shall, by ballot, and by a plurality of votes determine, which of said persons shall be director or directors, so as to complete the whole number of directors for the ensuing year, whose office shall begin on the Tuesday next succeeding the day of their election; and they shall on that day or as soon thereafter as may be, proceed to elect by ballot one of their number to be president; and if any director shall remove out of this state, or cease to be a stockholder, his office shall thereby be vacated; and whenever any vacancy shall happen among the directors, or in the office of president, by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year, in which it shall happen, by such person as the remainder of the directors, for the time being, or a majority of them shall appoint.

Vacancies
how filled.

IV. *And be it further enacted*, That Robert Troup, Robert Fulton, Nicholas Fish, Andrew Ogden, Peter Jay Munro, John Colvill, Gould Hoyt, Benjamin De Witt, Benjamin Desobry, Archibald Bruce, Thomas Herring, and Alexander Cranston, shall be the first directors, and the said Robert Troup the first president of the said corporation, and they may respectively hold their said offices, until the second Tuesday in June, next ensuing.

First directors.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, and in such other manner as shall be prescribed by the bye-laws and ordinances of the said corporation.

Elections
may be on
any day, &c.

VI. *And be it further enacted*, That a majority of directors, for the time being, shall be a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such bye-laws, rules and regulations, not repugnant to the laws and constitution of the United States and of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estates and effects of the said corporation, the duties and conduct of the officers, agents,

Powers of
the board
of directors.

clerks, and servants employed therein; the election of directors, and all other matters appertaining or relating to the business or concerns of the said corporation; and shall also have power to appoint so many officers, agents, clerks and servants, for carrying on the business of the said corporation, and with such salaries and allowances as to them shall seem meet.

Transfer of stock.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall have been entered or registered in a book or books to be kept by the said corporation for that purpose.

Calls on stock.

VIII. *And be it further enacted*, That it shall and may be lawful for the directors of the said corporation, for the time being, or a majority of them, to call and demand from the stockholders, respectively, all such sums of money by them subscribed, or to be subscribed, to the capital stock of the said corporation, at such times and in such proportions, as the said directors, or a majority of them shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said corporation: *Always however*, giving at least thirty days previous notice of such call and demand, in at least two of the newspapers to be published as aforesaid.

Restriction as to dealing in stock, &c.

IX. *And be it further enacted*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any stock created under any act of the United States, or in any state, unless in selling the same when truly pledged by way of security for debts due to the said corporation: *And further*, that they shall not be interested or concerned in any banking operation or business whatever, or in any other business or employment whatever, than such as may be proper and necessary for carrying into effect the declared objects of this act: But the said corporation may notwithstanding any thing herein contained, vest in any public stock of the United States or of this state, any part of their capital stock actually and bona fide called in, and usually employed in the ordinary operations of the said company, and continue the same so vested, until the exigencies of the said company contemplated by this act, shall require its sale.

Exception.

This public act.

X. *And be it further enacted*, That this act be, and it is hereby declared to be a public act.

[*Note.*—See Appendix.]

CHAP. CIII.

An ACT for the relief of the heirs and representatives of John Ousterman, deceased.

Passed April 6, 1814.

Recital.

WHEREAS the heirs of John Ousterman deceased, and others, have presented their petition to the Legislature, setting forth, that the said John Ousterman, deceased, died intestate, seised and in possession of certain land and real estate, in the town of Flushing, in the county of Queens, in this state, and praying that a law

may be passed, authorising and directing a sale of the land and real estate and the proceeds thereof, to be divided unto and amongst the persons interested in the said lands and real estate, according to their respective estates and interest therein: *And whereas*, it appears from the facts set forth in the said petition, that the sale of the said premises will be beneficial to those who are interested therein: Therefore

It is enacted by the people of the State of New-York, represented in Senate and Assembly, That David Ousterman, and Peter Ousterman, sons of the said John Ousterman, deceased, be, and they are hereby appointed trustees, with full power to them, to grant, bargain, and sell all the land and real estate, whereof the said John Ousterman, deceased, died seised and in possession, situate, lying and being in the town of Flushing, aforesaid, and to execute to the purchaser or purchasers, good and sufficient deeds and conveyances for the same, in fee.

Trustees appointed to sell certain real estate.

II. *And be it further enacted*, That the said trustees shall cause one third, or such less part as she may consent to receive of the proceeds of the said sale, after deducting the reasonable costs and charges, to be put out at interest, on good and sufficient security, or vested and placed in and upon some good productive stock or funds of a permanent nature, and shall permit and suffer Sarah Bloom, late the widow of the said John Ousterman, deceased, to receive the interest and income thereof, and pay over such parts thereof as shall come to their hands, to her, during the time of her natural life, in lieu of her dower and right of dower, of and in the said lands and real estate, so to be sold as aforesaid; and, upon her decease, the principal money to be divided and paid unto and among the said Benjamin Ousterman Austin, and the heirs of the said John Ousterman, deceased, or their respective guardians, executors, administrators or assigns, in such shares and proportions, as the said Benjamin Ousterman Austin, and the said heirs are now entitled unto, and interested in the said land and real estate, so to be sold.

Provision as to the widow.

III. *And be it further enacted*, That the said trustees shall distribute, divide and pay the remaining part of the money and proceeds to arise and be made by such sale, after deducting the reasonable costs and charges unto and among the said Benjamin Ousterman Austin, and the said heirs of the said John Ousterman, deceased, or their assigns or the respective guardians of such of them as may be in minority, according to their respective estates and interest, in the said land and real estate so to be sold, the portions of the monies respectively, and the income thereof, or so much of the same, as well principal as interest, as may be necessary for that purpose, to be applied, in or towards the maintenance and education of such minor or minors, respectively, during minority, and the same to account for, and after allowance and deduction made of the sum or sums, if any, that may be expended and disbursed for the purposes aforesaid, paid over to such minor or minors, respectively, at his or her respective age or ages of twenty-one years.

Residue of proceeds of sale, how disposed of and distributed.

IV. *And be it further enacted*, That before any conveyance or conveyances of the said land and real estate, or any part thereof,

Trustees to give bond, &c.

shall be executed and delivered to the purchasers, the said trustees shall first execute a bond to the people of this state, with such surety or sureties, and in such sum as the chancellor of this state shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the assistant register in chancery, in the city of New-York, for the benefit and use of the said widow and heirs of the said John Ousterman, deceased, and of the said Benjamin Ousterman Austin; or in case they should not execute such bond, then, that the proceeds of such sale shall be paid by the purchaser or purchasers of the said real estate, into the office of the Register or Assistant register in chancery, to be paid over, distributed, and applied, under and by the direction of the Chancellor in like manner as the same are herein before directed to be paid, distributed and applied by the said trustees.

Release of
dower re-
quired.

V. *And be it further enacted*, That the said Sarah Bloom and Barnerd Bloom, before they or either of them, shall be entitled to receive any part of the aforesaid interest made payable to her during life, as aforesaid, shall execute to the purchaser or purchasers, their heirs and assigns, a release of her dower and right of dower, in and to the premises so sold.

Provision
where trust-
ees die, &c.

VI. *And be it further enacted*, That in case the said trustees, or either of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the Chancellor to appoint other trustee or trustees in his or their place and stead, who shall in all respects conform to the directions of this act: *Provided*, that no conveyance to be made in virtue of this act, shall be binding on the infant heirs of the said John Ousterman, or on the said Benjamin Ousterman Austin, unless the Chancellor of this state shall certify on such conveyance, that the same is beneficial to the said infant heirs.

[*Note*.—See note to chapter 95.]

CHAP. CIV.

An ACT to incorporate the Woodstock and Saugerties General Manufacturing and Mining Company.

Passed April 6, 1814.

Corporation
created and
general pow-
ers.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Robert L. Livingston, Rufus Briggs, Jacob Trumbour, junior, John Wigram, Eliphalet Ackerman, Enoch Fitch, Christopher C. Kiersted and Tjerck Schoonmaker, junior, and all such other persons as shall associate for the purpose of establishing a manufactory of cotton and wool, flax and kemp, earthen-ware, glass, iron, and also to apply such part of their capital for the purpose of digging for iron ore, lead and coal, as they may judge expedient, in the towns of Woodstock and Saugerties, and in any other places in the counties of Ulster and Sullivan, where the said company may think proper, shall be, and they are hereby created and made a body politic and corporate, in fact and in name, by the name of "The Woodstock and Saugerties General Manufacturing and Mining Company."

Style

and by that name, they and their successors for the term of twenty-five years, shall have continual succession, and shall be persons in law capable of suing and being sued, defending and being defended, in all actions and matters whatsoever, having a common seal and change the same at pleasure; purchase, take, hold, and convey any estate, real or personal, necessary for the objects of the incorporation.

II. *And be it further enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five trustees, who shall be stockholders, and shall be annually elected on the first Monday of May, at such time of the day and at such place as the bye-laws of the said corporation shall direct, and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in such manner as the bye-laws shall direct, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and all elections shall be by ballot, each share in the stock having one vote, and the five persons having the greatest number of votes, shall be the trustees, and whenever any vacancy shall happen among the trustees by death, resignation, or removal out of the state, such vacancy shall be filled for the remainder of the year by the remainder of the board for the time being.

Trustees and how elected.

Vacancies how filled.

III. *And be it further enacted*, That in case it should at any time happen, that an election of trustees should not be made on the day when pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold an election of trustees, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Election may be held at any day.

IV. *And be it further enacted*, That the stock of said company shall consist of eight thousand shares, of fifty dollars each, and it shall and may be lawful for the said trustees to call and demand from the stockholders, respectively, all such sums of money by them subscribed at such time, and in such proportion as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to be made, and thirty days previous notice of such call and demand shall have been given to such stockholder, or published in any newspaper printed in the county of Ulster or city of New-York.

Capital stock and calls thereon, &c.

V. *And be it further enacted*, That the trustees for the time being shall have power to make and prescribe such bye-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the duties of the officers, artificers and servants, by them employed; the election of trustees, and all such matters as appertain to the concerns of the said corporation; to appoint such and so many officers, clerks and servants, for carrying on the business of the said corporation, and with such allowances as to them shall seem meet: *Provided*, That such bye-laws be not inconsistent with the constitution or laws of this state or of the United States.

Powers of trustees.

Proviso.

Stock de-
clared per-
sonal estate—
restrictions
as to bank-
ing, &c.—
liability of
stockholders.

V. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and that the said company shall not use any part of their funds, in any banking transactions, or of purchasing any stock of any banking institutions whatever; and that for all debts, that shall be due and owing by the said company, the persons composing said corporation shall be responsible in their individual and private capacities to the extent of their respective shares, and no farther, in any suit or action, and that this act shall be deemed and considered as a public act.

First trust-
tees.

VI. *And be it further enacted*, That Robert L. Livingston, Rufus Briggs, Jacob Trumbour, junior, Christopher C. Kiersted and Enoch Fitch, be, and are hereby declared trustees, until the first Monday in May, in the year one thousand eight hundred and fifteen, at which time an election is to be held for other trustees, agreeable to the bye-laws of said corporation.

[*Note*.—This act is a strong evidence of the growing wealth and prosperity of this state.]

CHAP. CV.

An ACT for the further relief of Jacob Holmes, administrator of the estate of Stephen Thorn, deceased.

Passed April 6, 1814.

Comptroller
to receive
certain in-
terests from
the estate of S.
Thorn.

*BE it enacted by the People of the State of New-York, repre-
sented in Senate and Assembly*, That the Comptroller be authoris-
ed to receive from the said Jacob Holmes, one fourth part of seven
thousand and seventy-six dollars and sixty-six cents, being the
balance due the people of this state, from the estate of the said
Stephen Thorn, deceased, as a lottery manager, and thereupon
execute a discharge in conformity to the third section of an act,
entitled "an act for the relief of Jacob Holmes, administrator of
the estate of Stephen Thorn," passed 12th April, 1813.

[*Note*.—For the act for the relief of Jacob Holmes, administrator, &c. passed April 12, 1813, see Sess. 36, ch. 194. From that act it will appear, that Stephen Thorn was one of the managers of Union College Lottery, and died indebted to the state. The Legislature authorised the Comptroller to settle with his administrator.]

CHAP. CVI.

*An ACT for the relief of the heirs of William Six, and of the set-
tlers on their lands in the town of Boyle, in the county of Ontario,
and in the town of Riga, in the county of Genesee.*

Passed April 9, 1814.

Regist.

WHEREAS it appears to the Legislature, that Pieter DeSmeth, John Samuel Coudere, and William Six, who resided in Holland, and were aliens, became the purchasers, some years ago, of twenty-five thousand acres of land, consisting of certain tracts in town-

ship Number Twelve in the seventh range, and in township Number Two in the short range of townships; the said township Number Twelve, then being in the county of Ontario, and the said township Number Two, then being in the said county of Ontario, but now in the county of Genesee: That the said purchase was made on the faith of the act, entitled "an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed April 2, 1798, the second section of which act declares, that all and every deed or deeds, conveyance or conveyances, to be executed in pursuance of that act, shall be recorded within twelve months after the day of the date of the same, in the Secretary's office of this state, and that in default thereof, the grantees named in any such deed and conveyance, shall be considered in all respects as aliens, and the lands and tenements thereby conveyed shall enure to the use of the people of this state, and the third section of the act limits the operation of the act to the term of three years, from and after its passing, and no longer: That to carry the said purchase into effect, James Wadsworth, of the town of Genesee, in the said county of Ontario, by deed bearing date the thirteenth day of March, in the year one thousand seven hundred and ninety-nine, conveyed one of the said tracts, lying in the said township, Number Twelve, unto the said Pieter De Smeth, John Samuel Coudere and William Six, as joint tenants, and not as tenants in common, and the said James Wadsworth, also, by deed bearing date the thirtieth day of March, in the year last aforesaid, conveyed another of the said tracts, lying in the said township Number Two, unto the said Pieter De Smeth, John Samuel Coudere and William Six, as joint tenants, and not as tenants in common; and the said James Wadsworth and Thomas Morris, of Canandaigua, in the said county of Ontario, also by deed bearing date the sixteenth day of March, in the year last aforesaid, conveyed another of the said tracts lying in the said township Number Twelve, unto the said Pieter De Smeth, John Samuel Coudere, and William Six, as joint tenants, and not as tenants in common: That soon after the execution of the said several deeds of conveyance, the said proprietors put the said tracts of land in a course of gradual sales, by employing an agent to sell the same in farms to actual settlers; but no person was authorised to execute deeds for conveying the lands to the purchasers on the full payment of the purchase monies: That in consequence of the said authority to sell, the greatest part of the said tracts of land has been sold to settlers, who have made valuable improvements thereon at the expense of much time, labor and money; all which has been done in the confidence entertained by all parties, that no difficulties or impediments would arise, to prevent the execution of valid deeds of conveyance for the lands sold whenever the contracts for the same should be justly complied with: That all the said proprietors of the said tracts are dead, and that the last survivor was the said William Six, whose heirs have discovered that the said several deeds of conveyance, so as aforesaid, executed to the said Pieter De Smeth, John Samuel Coudere, and William Six, have never been recorded in the Secretary's office of this state, as by the said

section of the said act in that behalf is prescribed, and consequently, that the said several tracts of land have escheated to the people of this state : That the neglect to record the said deeds of conveyance in the Secretary's office, agreeably to the directions of the said section of the said act has arisen from ignorance on the part of the said proprietors who were foreigners, or from mere inattention in them without any design wilfully to refuse a compliance with the act : That a considerable part of the said tracts of land remains unsold, and all the contracts heretofore made for the sale of other parts of the said tracts are yet to be carried into effect by the execution of deeds, on the one hand, and the payment of the purchase money on the other ; but no deeds can be executed nor monies be received, because of the said escheat : That the said proprietors have uniformly treated the settlers on the several tracts of land with a degree of liberality and good conduct, which has been very satisfactory to the settlers and beneficial to the public : That the heirs of the said William Six, will be materially injured, and the settlers on the said several tracts of land will lose their titles to their farms, and the benefit of all payments on account of their purchase monies, in case the state shall insist on holding the estate and interest vested in the people by the said escheat : Wherefore,

The heirs authorised to have certain deeds recorded.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the heirs of the said William Six, to have the said several deeds of conveyance, so as aforesaid, executed by the said James Wadsworth, separately, and by him and the said Thomas Morris jointly, unto the said Pieter De Smeth, John Samuel Coudere and William Six, recorded in the Secretary's office of this state, on or before the first day of June next ensuing the passing of this act, and the Secretary is hereby directed to record the said deeds on their being presented at his office for that purpose, within the said time ; and for such service the Secretary shall be entitled to demand and receive the customary fees of office.

Operation and effect of such deeds.

II. *And be it further enacted,* That such recording of the said several deeds of conveyance in the said Secretary's office, as by the preceding section of this act is authorised, shall have the like operation and effect both in law and equity as if the said several deeds of conveyance had been recorded in the Secretary's office within twelve months after the respective dates of the same, according to the directions of the said second section of the act first above mentioned, and that such recording shall not have any other or greater operation and effect : *And further,* That from and after such recording of the said deeds of conveyance, the said several tracts of land shall be, and hereby are declared to be discharged and released, both in law and equity from the operation and effect of the said escheat.

Declared exempt from escheat.

Proviso.

III. *Provided always, and be it further enacted,* That nothing herein contained shall be held or construed to vacate or make void any bona fide contracts or conveyances made of or concerning any part or parts of the said lands, by the said Pieter De Smeth, John Samuel Coudere and William Six, or either of them, or their or either of their heirs or assigns ; but that all such contracts and

conveyances shall have the like force and effect, as if the deeds herein before recited, had been duly recorded according to the statute in such case made.

IV. *And provided also, and be it further enacted,* That all bona fide contracts held by any settlers on the said lands, for any parts of such lands, and on which the time limited for the purchase money shall have expired, shall be deemed good and effectual both in law and in equity. Further proviso.

V. *And provided also, and be it further enacted,* That this act, and also, the recording of the said several deeds of conveyance, as by the first section of this act is authorised, shall absolutely cease to have any operation or effect in law or equity, except as hereafter is excepted, unless the heirs, devisees, or legatees of the said William Six, and his executors or administrators shall upon application for that purpose to the court of chancery of this state, within two years from and after the end of the present war between the United States and Great-Britain, satisfactorily make it appear to the said court of chancery, that they, some, or one of them, both now and at the time of such application are, or is the only sole and legal proprietors or proprietor of such part of the said lands, as remains unsold, and of all the purchase monies due and to grow due on the contracts heretofore made for the sale of the said lands, to the settlers on the same, and that the said heirs, devisees, or legatees, and the said executors or administrators, or any or either of them, have not sold, conveyed or assigned, or contracted to sell, convey or assign, any part or parts of the said lands or purchase monies to any person or persons whomsoever, but to settlers on the said lands. Further proviso.

VI. *And provided also, and be it further enacted,* That due notice of the said application to the court of chancery shall be given to the Attorney-general of this state, whose duty it is hereby made to attend to the same in behalf of the people of this state, according to the course of the said court, in order that the interest of the people in the premises may be duly protected. Further proviso.

VII. *And provided also, and be it further enacted,* That in case this act, and the recording of the said several deeds of conveyance, as aforesaid, shall absolutely cease to have any operation or effect as aforesaid, from a failure on the part of the said heirs, devisees, or legatees, and the said executors or administrators, some, or one of them, to make it satisfactorily appear to the court of chancery, as before said, then, and in such case, the advantages and benefits by this act granted, and intended to be granted to the settlers on the said lands, shall be, and hereby are excepted from the consequences of such failure, and the said advantages and benefits are hereby continued and confirmed to the said settlers, any thing herein before contained to the contrary thereof in any wise notwithstanding. Further proviso.

VIII. *Provided also, and be it further enacted,* That the occupants of the said lands, the contracts for whose lots have run out by the operation of the time limited for the payment of the purchase monies thereof, and who have not received their title deeds, shall not be subject to the charge of any interest between the time when their contracts so run out, as aforesaid, and the time when Certain privileges to occupants.

the agent of the said lands shall hereafter tender to them good and sufficient warranty deeds for their lots : *And further*, That the said occupants shall be, and hereby are allowed, four years from the passing of this act for the payment of their purchase monies, with interest thereupon, from the time when good and sufficient warranty deeds shall be tendered to them as aforesaid.

[*Note*.—See *Appendix*.]

CHAP. CVII.

An ACT for the relief of the administrators and administratrix of Amos King, junior, deceased.

Passed April 9, 1814.

Recital.

WHEREAS William Tanner and De Alanson King, administrators, and Polly King, administratrix of Amos King, junior, deceased, have by their petition, represented to the Legislature, that the said Amos died intestate, leaving six infant children : That the real estate of which he died seised, is so situated, that the interest of the said heirs would be greatly promoted by a sale thereof, which the administrators are not authorised to do, nor can they by the existing law obtain such authority : Therefore,

Chancellor
may order
the sale of
certain real
estate.

BE it enacted by the people of the State of New-York represented in Senate and Assembly, That it shall be lawful for the Chancellor of this state, in his discretion, on hearing the proofs and allegations of the said administrators and administratrix, aforesaid, to make an order for the sale of the said real estate, on their giving such security as the Chancellor shall direct.

[*Note*.—This act provides for a particular case which now would fall under the provisions of the general act.—See ch. 108.]

CHAP. CVIII.

An ACT concerning Infants.

Passed April 9, 1814.

Chancellor
may direct
sales of the
real estate
of infants
for their
maintenance
&c.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the Chancellor, on the petition of any infant, by his or her next friend, or of the guardians of such infant, for that purpose, setting forth the grounds and reasons of the application, if upon the whole matter he shall think it necessary and proper for the maintenance or education of such infants, in a summary way, to direct a sale of all, or so much, or such part of the real estate of such infant as the Chancellor shall deem proper, and to take order for the disposal, appropriation and investment of such sales, and for securing the same, and the due appropriation and disposition thereof, and of the produce and proceeds thereof, and the costs upon any application to be made to the Chancellor under this section, shall not exceed twenty-five dollars.

Costs limited
to 25 dollars.

II. *And be it further enacted*, That in case any infant shall hold any real estate in joint tenancy, coparcenary, or in common, and the interest of such infant, or of any person concerned therein, shall require a partition of such estate, then it shall be lawful for the guardian or guardians of such infant, by and with the consent and approbation of the Chancellor, to agree to a division thereof, or to a sale of such estate, or such part thereof, as in the opinion of the Chancellor shall either be incapable of partition, or shall be most for the interest of such infant, that a sale thereof should be made, and thereupon to execute deeds or releases of the right of such infant to the part or parts falling to the share of the other joint tenants, coparceners, or tenants in common, which deeds or releases shall be valid in law to convey the share and part of such infant : *Provided*, That no deed or release shall be executed by any such guardian by virtue of this act, until after a report shall be made to the Chancellor of such sale or partition, and the same be approved and confirmed by him.

If infants hold in common, etc.

Partition how to be made.

Provided.

III. *And be it further enacted*, That the Chancellor shall have power to decree, authorise, or compel a specific performance of any bargain, contract or agreement which may have been made by any party to such bargain, contract, or agreement, who may die before the performance thereof, on petition of the executors or administrators of the estate of the deceased, or of any person or persons interested in such bargain, contract or agreement, and on hearing all parties concerned, and being satisfied that the specific performance of such bargain, contract, or agreement, ought to be decreed, authorised or compelled.

Chancellor may decree specific performance of contract, etc.

[*Note*.—The provisions of the act had become necessary from the frequent applications for relief in individual cases.

CHAP. CIX.

An ACT for the pardon of Joseph Moser.

Passed April 9, 1814.

WHEREAS Joseph Moser at a court of oyer and terminer, and general gaol delivery, held in and for the city and county of Albany, in the month of April, in the year one thousand eight hundred and thirteen, was convicted of the murder of John Concklin, and sentenced to be executed on the first Friday in June, in the year aforesaid : *And whereas*, his excellency the Governor did suspend the execution of the said Joseph Moser until the present session of the Legislature, in consequence of which suspension further legislative interference has become necessary : *And whereas*, upon a view and consideration of the circumstances of the case of the said Joseph Moser, as reported to the Legislature, it is deemed proper to pardon the said Joseph Moser : Therefore, *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Joseph Moser be, and

Recial.

J. Moser pardoned.

hereby is fully pardoned of the offence of which he stands convicted.

[*Note.*—One Thomas Burns was likewise convicted of this murder, and was executed at Albany, pursuant to his sentence, on the first Friday in June, 1813.—It appeared from the examination, that Burns fired the gun which produced the murder, and that Moser was present at the commission of the offence.—There was no doubt that Moser and Burns (who were artificers in the United States' service) went together with a view to revenge themselves of certain persons (who were also soldiers) that had grossly abused and injured them.—Burns had the gun, Moser a sword.—In pursuing this intention, Moser, according to Burns's statement, indicated a wish to return without effecting their purpose; but Burns refused to go, and having met the deceased and a person with him, Burns fired, under the impression, that they were of the party who had abused him.—In this he was mistaken—the deceased did not belong to that party.—On the trial of Moser, Burns was offered as a witness for the prisoner; but he was not admitted, on the ground that he, Burns, had been jointly indicted for the murder with Moser, and that he Burns had been convicted of that murder.—The Governor respited Moser, and left Burns for execution.—The Senate passed a bill, Feb. 4th, 1814, directing Moser to be sent to the state prison for life.—The Assembly amended the bill by granting Moser an absolute pardon.—The amended bill being returned to the Senate was not there acted upon for several weeks, but near the close of the session the Senate concurred with the Assembly in their amendment, and Moser was of course absolutely pardoned.—It is probable that the Legislature entertained doubts as well of the criminality of Moser's intention at the time when the gun was fired, as of the propriety of overruling Burns's testimony on the trial of Moser.]

CHAP. CX.

An ACT to raise money to build a Bridge over Allen's Creek in the town of Le Roy, and for other purposes.

Passed April 9, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the supervisors of the county of Genesee shall be authorised, and they are hereby required at their next annual meeting to direct to be levied, collected, and paid as the contingent charges of the county are by law directed to be levied, collected and paid the sum of twelve hundred dollars for the purpose of building a bridge over Allen's Creek, in the town of Le-Roy, in the county of Genesee, at the place where the said creek intersects the great western road from Albany to Buffalo, together with the usual fees for collecting and paying the same, which sum of twelve hundred dollars when paid to the Treasurer of the said county shall be subject to the order and direction of the commissioners herein after named.

II. *And be it further enacted,* That Daniel Davis, David Le Barron and Graham Newel, be commissioners, whose duty it shall be to superintend and direct the building of the said bridge, with full power to contract for the materials and workmanship of the same, to the extent of the sum hereby granted for such purpose; and, that in case of the death or refusal to serve of the said commissioners, or either of them, it shall be lawful for the person administering the government of this state, to appoint a person or persons in the place of him or them so dying or refusing to serve.

Supervisors of Genesee to raise monies by tax to build the bridge, etc.

Commissioners appointed to superintend the building, etc.

III. *And be it further enacted*, That it shall be the duty of the commissioners so appointed, or to be appointed, before they proceed in the discharge of the trust aforesaid, to give each a separate bond to the supervisors of the county of Genesee and their successors in office, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties imposed on them by this act: *And also*, to take and subscribe an oath before some person in the said county, authorised to administer oaths, that they will well and faithfully, according to their respective abilities, discharge the said duties.

To give security and take an oath.

IV. *And be it further enacted*, That it shall be the duty of the said commissioners to account with the supervisors of the said county of Genesee, from time to time, as they shall require such account for all monies expended or received by the said commissioners by virtue of this act, in which accounting such reasonable sums shall be allowed to the said commissioners for their services, as shall be agreed to by the said supervisors.

To account with the supervisors.

V. *And be it further enacted*, That Archibald S. Clarke, William Rumsey and James Ganson, or any two of them, be, and hereby are authorised and empowered, to lay out and establish the road as a public highway, that is now worked, beginning at the west end of the bridge that is built across the Genesee river, on the great road leading from Canandaigua through Avon to Le Roy, and from thence to Batavia in the county of Genesee, and from thence to the villages of Buffalo and Black Rock, in the county of Niagara, and to straighten and make such alterations as in their judgment shall be beneficial to the public interest, deviating as little as circumstances will permit from where the road now runs: *And provided* such straightening or alterations shall not injure any person settled on said road; and also, to cause said road to be opened six rods wide: *Provided* such width shall not materially affect any valuable buildings or other improvements on said road.

A. S. Clarke and others to lay out a certain road.

Provided.

Further provided.

VI. *And be it further enacted*, That the said commissioners shall cause to be made, an accurate map of said road, and shall cause the said map together with the field notes of the survey to be filed in the Comptroller's office of this state, and in the Clerk's offices of the counties of Niagara and Genesee, and shall also cause to be filed in the office of the clerk of each town through which said road runs, a copy of the map and field notes of such part of said road as shall be in said town, and that it shall be lawful from thenceforth for the inhabitants of the said counties of Genesee and Niagara, to improve the said road, and each of the said commissioners shall receive for their services, at the rate of two dollars and fifty cents a day, for each day they shall be necessarily employed in laying out and establishing said road, and all expenses incident to the same shall be levied, collected and paid in the said counties of Genesee and Niagara as other contingent charges are in said counties levied, collected and paid.

Map of a road to be made and filed.

Compensation to commissioners.

VII. *And be it further enacted*, That it shall be the duty of the Surveyor general, forthwith to publish a notice in the newspaper published by the printer to this state, and in three of the newspapers published in the Western District of this state for six weeks in succession, that the tract of land called the Stedman

Duty of Surveyor general as to leasing Stedman farm.

Farm on the Niagara, is to be leased for the term of one year from a day to be mentioned in such notice, to the person who shall before such day offer to accept of such lease on the terms which in the opinion of the Surveyor-general shall be the most advantageous to this state; and the Surveyor-general is authorised to execute such lease on the part of this state, and to insert in the counterpart of such lease to be executed by the lessee, such covenants as he shall deem proper, and exact such security from the lessee for the performance of the covenants contained in such lease as he shall deem proper and necessary.

Sale of certain land for tax suspended until, etc.

VIII. *And be it further enacted*, That the sale of land for non-payment of the tax for improving the road from Chester to Canton, directed by the fifty-first section of the act, entitled "an act for the payment of certain officers of government and for the purposes," passed the 13th day of April last, to be made on the first Monday of April next, shall not then be made, but shall be made at such time as the Comptroller and the commissioners appointed to expend the money shall think will be proper and necessary for the completion of the object for which it was appropriated, the Comptroller for six weeks successively, immediately preceding such sale, shall give notice in one of the public newspapers printed in the city of Albany, and in one of the public newspapers printed in the city of New-York, that so much of the lands charged with the tax imposed for opening and improving a road from the town of Chester to the town of Canton, as will be necessary to pay such tax, will then be sold, particularly specifying the time and place of such sale.

Certain medical societies.

IX. *And be it further enacted*, That the medical societies which have been organized in the several counties set apart since the passage of the act, entitled "an act to incorporate medical societies," passed 26th March, 1806, shall enjoy the same privileges, and shall possess the same authority as those societies incorporated by virtue of the above recited act.

[*Note.*—The first section shows the importance of this bridge in continuing the communication from Albany to Buffalo.

CHAP. CXI.

An ACT to incorporate the Montgomery Turnpike Company.

Passed April 9, 1814.

Corporation created and general powers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Nathan Smith, Benjamin Rose, Selah Smith, Robert Davenport, David Havens, James Davis, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near Fort Montgomery, on the west side of Hudson's River, opposite Anthony's Nose, and near the landing now occupied by Nathan and Selah Smith, from thence to run a north-westwardly course, the most direct and convenient route to the forest of Dean Mirehole, and thence a south-westwardly course, the most direct and convenient route till it intersects the Dunderburgh and Clove

turnpike, at or near the house of Isaac Hollet, in the town of Munroe, in the county of Orange, so as to promote the interest of the public and of this corporation, and their successors be, and they are hereby created a body corporate and politic, by the name of the president, directors and company of the Montgomery Turnpike Road; and, they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation. *Provided*, that such estate as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and interest of the said corporation, and to no other purpose whatsoever. Proviso.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of four hundred shares of twenty-five dollars each, and that Nathan Smith, Robert Davenport, Theophilus Birdsall and John B. Havens, be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to Turnpike Companies," passed the thirteenth day of March, in the year of our Lord one thousand eight hundred and seven. Capital stock.

Commissioners to receive subscriptions

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes, to be erected on the said road, for any number of miles not less than seven in length of the said road, the following sums of money, and so in proportion for any greater or less distance from all persons travelling or using the same: For every waggon drawn by two horses, mules or oxen, eight cents, and two cents for every additional horse, mule or ox, attached to such waggon; for every cart or other carriage drawn by two horses, mules, or oxen, eight cents, and for every additional horse, mule, or ox, attached to such cart or other carriage, two cents; for every horse and rider, four cents; for every chair, sulkey, chaise, or other pleasure-carriage with one horse, eight cents; for every chariot, coach, coachee, or phaeton, or other four wheel pleasure-carriage, sixteen cents; for every sleigh or sled drawn by two horses, mules, or oxen, five cents, and so in proportion, if drawn by a greater or less number of horses, mules or oxen; for every score of sheep or hogs, five cents; and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, eight cents, and two cents for every additional horse attached to such stage-waggon. Toll allowed to be received.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated, shall be five, three of whom shall be a quorum and capable of managing the business of the said company, and that the said company hereby incorporated, shall have and enjoy all the rights, 5 directors to be chosen, and their powers.

privileges, powers, and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to Turnpike companies," and shall be subject to all the conditions, restrictions and regulations contained in the said general act, passed the thirteenth day of March, one thousand eight hundred and seven: *Provided however*, That the chord of the arch of the road hereby authorised to be made, shall not be less than sixteen feet.

[*Note*.—Add this to the *table* of turnpikes, V. N. & W. vol. 2, page 559.

CHAP. CXII.

An ACT confirming the division of the lots, appropriated for the Gospel and Schools on the Twenty Townships, west of the Unadilla river, in the counties of Chenango, Madison and Oneida.

Passed April 9, 1814,

Recital:

WHEREAS by an act of the Legislature of this state passed on the sixteenth day of June, one thousand eight hundred and twelve, authorising the twenty towns west of and adjoining the Unadilla river, to elect one agent from each town, and said agents to meet at Sherburne, on the last Tuesday of March then following, and there by a plurality of votes of said agents, so assembled, to elect three commissioners, whose duty it was made to divide said lots, giving to each town two of said lots and having said division of lots as nearly as possible of an equal value: *And whereas*, the agents did meet, and by plurality of votes, elect Amos Maynard, Thompson Mead, and Chester Hammond, commissioners, to divide said lots as equally as possible, and said commissioners did divide said land into twenty lots, of one hundred and forty-four acres; and twenty lots of one hundred and sixty acres, and twenty lots of one hundred and ninety-six acres, which lots they divided by giving each town one lot of one hundred and forty-four acres, and one lot of one hundred and sixty acres, and one lot of one hundred and ninety-six acres, and made a description or memorandum of said division, and signed the same, which was acknowledged by one of the said commissioners, before a person authorised to take the acknowledgment of deeds, in Madison county, and caused the same to be recorded in Madison county: Therefore,

Certain
proceedings
confirmed.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the doings of the said commissioners in dividing said lots, as is by them acknowledged and recorded in the clerk's-office of the county of Madison, is hereby confirmed,

[*Note*.—By the act of February 25, 1789—Sess. 12. ch. 32—*vide* Gr. v. 2. 265—The Surveyor-general was directed to cause 20 townships to be surveyed and laid out upon the eastern side of the lands purchased from the Indians in the year 1785.—Each township to be 500 chains square and to be divided into four equal parts, and the whole tract to be divided into lots of 250 acres each.—The Surveyor-general was likewise directed to designate out of such lots two lots, one to be marked "*Gospel*," and the other "*Schools*."—The commissioners of the land-office having been subsequently authorised to sell the waste and unappropriated lands belonging to this state, proceeded to sell among others the said lots so designated for Gospel and Schools.—By the act of April 10, 1805—Sess. 28. sh. 136—The Surveyor-general was directed to cause 40 lots out of the unappropriated lands in the Western District to

CHAP. CXIII.

An ACT to incorporate the New-York Copper Manufacturing Company.

Passed April 9, 1814.

WHEREAS Caleb Pell, Robert Mount, James Bennet, Jacob Rezeau, Samuel Thompson, Isaac Stevens, and Sylvester Pier, together with other citizens of this state, have associated themselves for the laudible purpose of establishing, carrying on, and perfecting the manufacture of copper and brass, and the construction of large copper works in general, in such part or parts of the state of New-York, as they shall think most advantageous: *And whereas* they have presented a petition to the Legislature setting forth the importance of such an establishment: Therefore,

1. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Caleb Pell, Robert Mount, James Bennet, Jacob Rezeau, Samuel Thompson, Isaac Stevens, and Sylvester Pier, and such others as now are or may hereafter be associated with them for the purposes aforesaid, shall be and hereby are ordained, constituted and declared to be until the first day of May, which will be in the year of our Lord one thousand eight hundred and thirty-four, a body corporate and politic in fact and in name by the name of "The President and Directors of the New-York Copper Manufactory," and by that name they and their successors until that time, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, causes and things whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure: *And also,* that they and their successors by the same name and style shall be in law capable of purchasing holding and conveying any estate real or personal for the use of the said corporation: *Provided,* That the estate so to be holden, shall be such only as shall be requisite to promote and attain the objects of the said corporation, such as shall have been mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such

Recital.

Corporation created and general pow. etc.

Style.

Provide.

contain 250 acres each, to be surveyed and laid out, and one half to be marked *Gospel* and the other half *Schools*, being in lieu of the lands appropriated by the act of Feb. 25, 1789.—By the act of April 11, 1808—Sess. 31. ch. 237 § 5—The Surveyor-general was directed to lay out the 40 lots in the tract of land then lately purchased of the Oneida Indians, south of and adjoining the Oneida lake, or on such lots in the Military tract as then belonged to the state.—The Surveyor-general accordingly surveyed and laid out the 40 lots in the tract purchased of the Oneida Indians.—No provision having been made for apportioning these lands among the different townships, the Legislature by the act of June 16, 1812—Sess. 35. ch. 177, authorised the inhabitants of each of the 20 townships west of the Unadilla river in Chenango, Madison and Oneida counties, and which comprised the lands in question, to elect an agent to take charge of the lots, to lease the same, to bring suits for trespasses thereon, &c.—Commissioners were likewise appointed to divide the 40 lots among the 20 townships, giving two to each.—These commissioners having performed this duty, the present act was passed to confirm their proceedings.

debts : *Provided*, That the real estate to be held by the said corporation shall never exceed fifty thousand dollars in value.

Capital stock.

How to be filled.

"II. *And be it further enacted*, That the capital stock of the said corporation, shall not exceed two hundred and fifty thousand dollars, which shall be divided into one thousand shares, of two hundred and fifty dollars each, and that the subscription books for the same shall be kept open, under the direction of the president and directors of the said corporation, during the period of forty days from and after the passing of this law, for the exclusive purpose of enabling persons in any part of this state, who follow the manufacturing of copper or brass, or who have learned or at any time heretofore have followed the same, to subscribe for shares in the said capital stock.

Directors when and how chosen.

"III. *And be it further enacted*, That the stock, property and concerns of the said corporation, shall be managed and conducted by directors, to be chosen annually on the first Tuesday in May, at such time of the day and at such place in the city of New-York, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in two of the public newspapers printed in the city of New-York; and the election shall then and there be by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all such elections shall be by ballot, each share having one vote, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen among the directors, by death, resignation, or removal from the state, such vacancy shall be filled for the remainder of the year by the remainder of the board for the time being; that the directors shall be stockholders in the said capital stock: that the number of directors to be elected as aforesaid, shall not exceed seven persons, and that the said seven directors, as soon as may be after their election, shall elect by ballot one of their number to be their president.

Vacancies how filled.

Elections may be held on any day.

"IV. *And be it further enacted*, That in case it should happen that an election of directors shall not take place on the day when pursuant to this act it ought to take place, the said corporation for that cause shall not be dissolved, but it shall and may be lawful for the stockholders of the said corporation on any other day to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Calls on stock to be paid on pain of forfeiture.

"V. *And be it further enacted*, That it shall be lawful for the directors of the said corporation, to call and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem fit, under pain of forfeiting their shares, and all previous payments made thereon, to the said corporation; always, however, giving at least thirty days previous notice of such call and demand, in one of the public newspapers to be published as aforesaid.

Special powers of the directors, quorum, &c.

"VI. *And be it further enacted*, That a majority of the said directors for the time being, shall form a quorum for transacting all the business of the said corporation, and shall have power to make and prescribe all such by-laws, rules, ordinances and regu-

actions, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the election of the said directors, and all such other matters as appertain to the concerns of the institution.

VII. *And be it further enacted*, That no transfer of stock shall be valid for any purpose, until such transfer shall be entered in the book or books to be kept for that purpose by the said directors. Transfer of stock.

VIII. *And be it further enacted*, That for all debts which shall be due and owing by the said corporation, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective shares, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation; and that nothing in this act contained shall be construed to authorize or empower the said corporation to use their funds, or any part thereof, in any banking institution or transaction, or in the purchase of any public stock. Individuals of the corporation how far liable for debts, etc.

IX. *And be it further enacted*, That all contracts and engagements entered into for and on account of the said corporation, and signed by their president, shall be binding on the said corporation in like manner as any contract would be if made and entered into by any individual. Contracts signed by the president, binding.

X. *And be it further enacted*, That Caleb Pell, Robert Mount, James Bennet, Jacob Rezeau, Isaac Stephens and Sylvester Pier, be and are hereby declared to be directors of the said corporation, and Samuel Thompson is hereby declared to be the president thereof for one year from the passing of this act, and until others are elected in their stead. First directors declared.
First president.

XI. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all places and courts, benignly and favorably for every beneficial purpose therein intended. This a public act.

X. *And be it further enacted*, That the operations of the said company, contemplated by this act, shall be carried on in the cities of New-York and Albany, and the county of Westchester, and not elsewhere. Operations of corporation limited to certain places.

[*Note.*—Add this to the table of incorporations—*vide* V. N. & W. v. 2. p. 586.]

CHAP. CXIV.

An ACT relative to the assessment of Real estate in the county of Delaware.

Passed April 13, 1814.

WHEREAS by the third section of the act, entitled “an act for the assessment and collection of taxes,” passed April fifth, one thousand eight hundred and thirteen, the first valuations of real estates to be made in pursuance of the said act, are directed, not thereafter to be varied, except in the cases therein mentioned: Recital.

And whereas, The valuation of such estates, made under the said act in various parts of the county of Delaware, appears to be incorrect : Therefore,

A new assessment, etc. in Delaware to be made.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That at the next assessment of property in the county of Delaware, a new assessment and valuation shall be made of all the real estate in the said county in the manner prescribed in and by the said act, and that such new valuation shall thereafter be considered the true valuation of such real estate, instead of the first valuation, mentioned in the third section of the said act.

[*Note.*—The act referred to in the preamble, is in V.N. & W. v.2. 509.]

CHAP. CXV.

An ACT for the relief of the stockholders of the late the Marine Insurance Company of New-York.

Passed April 13, 1814.

Recital.

WHEREAS the stockholders of the late the Marine Insurance Company of New-York, have by their petition represented that the charter of the said company had expired on the twenty-eighth day of February last ; that previous to the expiration thereof certain persons named in the petition had been elected trustees to settle the affairs of the said company, and that a certain instrument of assignment had been executed and delivered to them accordingly, but that owing to some misapprehension on the part of the resident and assistant who executed the said assignment, no provision was made for compensating the said trustees for their disbursements and services, and that they were thereby left responsible for all acts of any agents that might be employed by them which was contrary to the wishes and intentions of the stockholders ; that the said company had large claims in different parts of Europe which it would require much skill and industry to recover, and that the stockholders were desirous of holding out every inducement to the trustees to bestow that skill and industry, and praying that their appointment might be confirmed by law, that some provision might be made for their compensation, and that their responsibility might be restricted to acts of wilful negligence and gross misconduct in themselves : Therefore,

Certain appointment confirmed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the nomination and appointment of Henry A. Coster, Henry I. Wyckoff, James W. Bleecker, William Wilson, William M'Leod, John Rathbone and Charles Miller, junior, as trustees to settle the affairs of the late the Marine Insurance company of New-York, be and the same hereby is confirmed, and that the said trustees, or a majority of them, and the survivors and survivor of them, shall have full power and authority to do any act whatsoever for the purpose of bringing the affairs of the said company to a final settlement, that it would have been lawful for the president and directors of the said com-*

pany to do previous to the expiration of their act of incorporation.

II. *And be it further enacted*, That the said trustees shall not be responsible in their own persons or estates, for any loss that may arise from the fraud or neglect of any agents or attornies that may be employed by them in the concerns of the said company, nor for the acts of each other, but that each one shall be liable for acts of fraud or gross negligence committed by himself, and no further. Responsibility of trustees.

III. *And be it further enacted*, That the said trustees, or such of them as shall assume upon themselves the active management of the affairs of the said company, shall be allowed to deduct and retain out of any monies in their hands, a reasonable compensation for their trouble and services, over and above disbursements on account of the said company, to attornies or agents, or otherwise however. Their compensation.

[*Note.*—This corporation was created March 16, 1802—Sess. 25. ch. 40.—Its duration was limited to March 1, 1814.—The charter was amended in some respects March 14, 1806—Sess. 29. ch. 51.—W. v. 4. 377.—The corporation thought proper to become dissolved by its own limitation.—By the act of April 9, 1811—V. N. & W. v. 1. 248, provision is made for the creditors of corporations, on their dissolution, but that act is silent as to the compensation of the trustees, and indeed the corporation in question adopted a different course from the one there pointed out, viz: It appointed trustees for the express purpose of closing the concerns, whereas by the act of April 9, 1811, the president and directors would have been the trustees *ex officio*.]

CHAP. CXVI.

An ACT relative to the duty upon Goods sold by Auctioneers.

Passed April 13, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That all goods, wares, merchandize and effects whatsoever, made subject to the payment of a duty by the act, entitled "an act to regulate sales by public auction and to prevent stock-jobbing," passed 8th April, 1813, shall be and hereby is made subject to the payment of a duty of one dollar and fifty cents, and no more, for every hundred dollars, for which the same shall be sold, and at and after the same rate for a greater or less number, any thing in the said recited act to the contrary notwithstanding; and in all other respects the said recited act and all the provisions thereof, shall operate the same as if the duty herein fixed had been the duty fixed in the said recited act. Duty imposed on sales at auction.

[*Note.*—By the act of April 6, 1813—V. N. & W. v. 1. 181—certain goods were subject to a duty of 2 per cent.—This act places all descriptions of merchandize on the same footing.]

An ACT to enable the inhabitants of several towns in the counties of Delaware and Chenango, to make and repair certain roads, and for other purposes.

Passed April 13, 1814.

1250 dollars
to be paid
for making a
certain road.

Proviso.

Further
proviso.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, shall pay to William Butler, Samuel Butler, and Peter Betts, twelve hundred and fifty dollars, to be expended in making and repairing a road from the village of Deposit, on the Delaware river, to the village of Bettsburgh, in the town of Jericho, on the Susquehannah river: Provided however, That no warrant shall be drawn by the comptroller on the treasurer for the above purpose, until at least an equal sum shall have been subscribed by individuals, and actually paid or secured to be paid to the above named William Butler, Samuel Butler and Peter Betts, to their satisfaction and for the purposes aforesaid: And provided further, That before entering upon the duties hereby entrusted to them, the said William Butler, Samuel Butler and Peter Betts, shall take and subscribe an oath, faithfully to discharge the trust hereby reposed for the public good, according to the best of their judgment and abilities, without any fear, favor, affection or partiality; which oath so taken and subscribed, shall be filed and lodged in the office of the town-clerk in and for the town of Tompkins.*

500 dollars to
be paid for
making a
certain other
road.

Proviso.

Further
proviso.

II. *And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay to William Townsend, Benjamin Cannon and Abraham Ogden, the sum of five hundred dollars, to be expended in making, improving and repairing a road from the farm of John Pine, in the town of Walton, to the farm or dwelling house of Erastus Booth, in the town of Tompkins: Provided however, That no warrant shall be drawn by the comptroller for the purpose aforesaid, until an equal sum at least shall be subscribed by individuals and actually paid or secured to be paid to the above named William Townsend, Benjamin Cannon and Abraham Ogden, to their satisfaction, and for the purposes aforesaid: And provided further, That before entering upon the duties hereby entrusted to them the said William Townsend, Benjamin Cannon and Abraham Ogden, shall take and subscribe an oath, faithfully to discharge the trust hereby reposed for the public good, according to the best of their judgment and abilities, without any fear, favor, affection or partiality, which oath so taken and subscribed, shall be filed and lodged in the office of the town-clerk in and for the town of Walton.*

Compensation
to com-
missioners.

III. *And be it further enacted, That the above named William Butler, Samuel Butler and Peter Betts, shall each receive out of any monies that shall come into their hands, two dollars for each day they shall be actually employed in working or superintending the working of said road, between the villages of Deposit and Bettsburgh, and the like sum of two dollars each*

shall be allowed to William Townsend, Benjamin Cannon and Abraham Ogden, out of any monies that shall come into their hands under this act, for each day they shall be actually employed in working or superintending the working of said road between the farm of John Pine, in Walton, and the farm or dwelling house of Erastus Booth, in the town of Tompkins.

IV. *And be it further enacted*, That the above named persons, after having received the monies hereby granted, shall account with the comptroller, between the first and tenth days of February, annually, until the objects of this act are fulfilled: To account with the comptroller.

And whereas, It is represented that the town of Deerfield, in the county of Oneida, has many important and expensive bridges to maintain which are liable to be carried away or injured by freshets, and require immediate and constant repairs: Therefore,

V. *Be it further enacted*, That it shall be the duty of the commissioners of highways in the town of Deerfield aforesaid, annually to lay before the supervisors of the county of Oneida, an estimate of a sum of money to be raised in such town, not exceeding two hundred and fifty dollars in any one year, which sum contained in such estimate, the board of supervisors shall cause to be assessed, levied and collected in said town, in the same manner as other contingent charges are by law directed to be levied and collected, which sums when so collected, shall be paid over without delay by the collector of the said town to the town-clerk of the said town of Deerfield, there to remain as a fund until the same shall amount to one thousand dollars: *Provided however*, That the fund thus raised shall at all times be subject to the order of the said commissioners, Commis'rs. of highways in Deerfield to report to supervisors an estimate, etc.

VI. *And be it further enacted*, That the time limited by law for the completion of the Ithaca and Geneva turnpike road, shall be and is hereby extended until the first day of October, one thousand eight hundred and sixteen, Time extended for completing the Ithaca and Geneva turnpike.

[*Note*.—The last section extends the time limited for completing the Ithaca and Geneva turnpike road.—This corporation was created March 19, 1810—Sess. 33. ch. 69.—The other sections refer to roads of considerable importance to the state.]

CHAP. CXVIII.

An ACT further to extend the charter of the Fall-Hill Turnpike and Bridge Company.

Passed April 13, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the charter of the said Fall-Hill turnpike and bridge company, be and the same is hereby extended for the term of twenty years from and after the first day of June next: *Provided nevertheless*, That it shall and may be lawful for the supervisors of the county of Herkimer, at any time within one year from the said first day of June next, to purchase the bridge belonging to said company, for the use of the said county, and for the benefit of public travel; and that it shall be the duty of the said company, at the request of the said supervisors made within the time aforesaid, to sell and convey the same to the said Charter extended.

supervisors and their successors in office, at such appraised value as shall be agreed on by any three respectable freeholders of said county, or a majority of them, one of whom shall be appointed by the said company, the other by the said supervisors, and the third by the two appraisers who shall have been so as aforesaid appointed, whose appraisement shall be conclusive, and the amount at which they shall appraise the same, shall be made payable to said company, the one equal half thereof within one year after the time of such appraisement, and the other equal half thereof within one year thereafter; and that upon such conveyance being made, the powers granted in and by the act to incorporate the Fall-Hill turnpike and bridge company, shall cease; *And provided further*, That during the existence of said charter, no toll shall be demanded or taken from any person or persons going to or returning from their farms with teams, going to or returning from mill, going to or returning from any funeral, or going to or returning from religious worship.

Further
provis.

[*Note*.—This corporation was created April 9, 1804.—The act and its amendments will be found in W. v. 3. 570—W. v. 4. 394—W. v. 6. 428.—Sess. 32. ch. 22—Sess. 36. ch. 282.]

CHAP. CXIX.

An ACT to amend an act, entitled "an act to incorporate the Newburgh and Sullivan Turnpike Company.

Passed April 13, 1814.

Revised.

WHEREAS the president, directors and company of the Newburgh and Sullivan turnpike road, have by their petition represented to the legislature that the time allowed them for completing said road is insufficient to effect their purposes, and have prayed the aid of the legislature in the premises: Therefore,

Further time
granted.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That further time be granted to the president, directors and company of said road, by giving them until the first day of October, in the year one thousand eight hundred and eighteen, to complete the same.

Charter not
to be forfeited
for a failure
in a certain
case.

II. *And be it further enacted*, That should the said president, directors and company be prevented from completing said road further than the road called the Older Minisink road, leading from Kingston to Minisink, by the time specified in the preceding section, for the want of funds only, the said charter in that case shall not be forfeited to the state, but remain in full force and virtue.

[*Note*.—This corporation was created March 30, 1810.—Sess. 33. ch. 102—W. v. 6. 477.]

CHAP. CXX.

An ACT instituting a Lottery for the promotion of Literature and for other purposes.

Passed April 13, 1814.

Revised.

WHEREAS well regulated seminaries of learning are of immense importance to every country, and tend especially, by the

diffusion of science and the promotion of morals, to defend and perpetuate the liberties of a free state : Therefore,

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That there shall be raised by lottery, in successive classes, a sum equal in amount to the several appropriations made by this act, together with the simple interest accruing thereon, till the same shall be raised and paid by the managers appointed to superintend the same: *Provided however,* That this provision for the payment of interest shall not extend to interest which may accrue on either of the provisions contained in this act for more than six years from the time of passing the same.

Monies to be raised by lottery.

Proviso.

II. *And be it further enacted,* That one hundred thousand dollars be appropriated, to be paid out of the avails of the said lottery in manner aforesaid, towards the completion of the edifices already commenced by the trustees of Union College, and for the erection of such other edifices as may by them be deemed requisite.

100,000 dollars appropriated to Union College.

III. *And be it further enacted,* That thirty thousand dollars be appropriated as aforesaid, for the purpose of paying a debt already contracted by the said trustees.

30,000 dollars to said college to pay off a debt, &c.

IV. *And be it further enacted,* That twenty thousand dollars be appropriated as aforesaid, for the purpose of increasing the library, and also the philosophical and chemical apparatus belonging to said institution.

20,000 dollars to said college for library, &c.

V. *And be it further enacted,* That the sum of fifty thousand dollars be appropriated to augment the small charity fund heretofore granted by the Legislature of this state, the same to be invested by the trustees of Union College, and the avails thereof to remain for ever sacred to the relief of indigent students, while prosecuting their studies in said institution.

VI. *And be it further enacted,* That all the right, title and interest of the people of this state in and to all that certain piece or parcel of land, with the appurtenances, situate in the ninth ward of the city of New-York, known by the name of the Botanic Garden, and lately conveyed to the people of this state by David Hosack, with the appurtenances, be and the same is hereby granted to and vested in the trustees of Columbia College, in the city of New-York, their successors and assigns, but this grant is made upon the express condition, that the college establishment shall be removed to the said tract of land hereby granted, or to lands adjacent thereto, within twelve years from this time; and if the said establishment shall not be so removed within the time above limited, then and from thenceforth, this grant shall cease and be void, and the premises hereby granted shall thereupon revert to the people of this state.

Botanic garden granted to Columbia college.

VII. *And be it further enacted,* That the trustees of Columbia College shall, within three months from the time of the passage of this act, transmit to the trustees of each of the other colleges in this state, a list of the different kinds of plants, flowers and shrubs in said garden; and within one year thereafter, the said trustees of Columbia College, shall deliver at the said garden, if required, at least one healthy exotic flower, shrub or plant of each kind, of which they shall have more than one at the time of application, together with the jar or vessel containing the same, to the trus-

Duty of trustees of Columbia college in transmitting to other colleges certain lists of plants &c.

tees of each of the other colleges of this state, who shall apply therefor.

40,000 dolls.
to be appro-
priated to
Hamilton
college.

VIII. *And be it further enacted*, That the sum of forty thousand dollars be paid to the trustees of Hamilton College, to be by them applied as the interest of said college may require.

40,000 dolls.
to the Asbury
African
church.

IX. *And be it further enacted*, That four thousand dollars be appropriated to the minister and trustees of the Asbury African church, in the city of New-York, for the purpose of enabling them to discharge a debt contracted in the purchase of their church, and to establish a school under their direction.

Historical
society en-
titled to a set
of the laws
and to other
privileges.

X. *And be it further enacted*, That it shall be the duty of the secretary of state, to transmit to the New-York historical society, a set of the revised laws, and also of the journals of the present and future sessions of the legislature; and that the said society may, by their agent or agents, have access, at all reasonable times, to the secretary's office, and the other public offices of this state, and may cause such documents or records to be copied without paying office fees, as they may judge proper to promote the objects of the said institution.

College of
physicians
and surgeons
in the west-
ern district
entitled to
subscribe to
certain bank
stock.

Proviso.

XI. *And be it further enacted*, That the right reserved to this state, to subscribe to the stock of the bank of Utica, be and the same is hereby transferred to the college of physicians and surgeons of the western district, with full power to dispose of the same, or any part thereof, in such way and manner and at such times as shall by them be deemed most beneficial to the interest of the said college: *Provided*, That on the said shares so to be subscribed, shall be paid into the said bank a sum not exceeding the amount paid by the former stockholders, and in like manner, from time to time, as calls may be made by the directors of the said bank: *And provided further*, That no part of the principal of the monies arising from the sale of the said shares, shall be appropriated towards the payment of the salaries of any of the professors or tutors of the said college.

Further pro-
viso.

30,000 dolls.
appropriated
to the col-
lege of phy-
sicians and
surgeons, N.
York.

Colleges to
account to
the universi-
ty.

XII. *And be it further enacted*, That thirty thousand dollars be appropriated as aforesaid, to the college of physicians and surgeons in the city of New-York, for the endowment of said college.

XIII. *And be it further enacted*, That it shall be the duty of the trustees of said colleges, to account annually to the regents of the university, for the expenditure of the money herein appropriated for the use of said colleges, and that said regents report the same from time to time to the legislature.

Governor to
appoint man-
agers of the
lotteries.

XIV. *And be it further enacted*, That the person administering the government of this state, be and he is hereby authorised to appoint four managers, who are hereby empowered to form such plan for the said lottery as may appear expedient, to dispose of the tickets and to superintend the drawing of the same.

Who are
subject to
the pleasure
of the leg-
islature and to
the general
law.

XV. *And be it further enacted*, That the managers appointed as aforesaid, shall hold their appointment subject to the future pleasure of the legislature, and that they shall have the powers and be subject to the regulations, restrictions and directions contained in the act, entitled "an act relative to the managers of lotteries," passed April 13th, 1813.

XVI. *And be it further enacted*, That no ticket in any class of this lottery, shall be offered for sale till the lotteries heretofore granted by the legislature of this state shall be drawn.

No tickets to be sold till former lotteries be drawn.

XVII. *And be it further enacted*, That two classes of this lottery, as well as of the lotteries heretofore granted, may be drawn in each and every year, until the whole be completed.

Classes when and how to be drawn.

[*Note*.—No bill before the legislature excited greater interest and attention than this act. Much credit is due to the unwearied exertions of the able and eloquent president of Union College, in procuring its passage. For further remarks, see *Appendix*.]

CHAP. CXXI.

An ACT to amend an act, entitled "an act to vest certain powers and privileges in the freeholders and inhabitants of the village of Little Falls, in the county of Herkimer."

Passed April 13, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly; That the collector who shall at any time be chosen in pursuance of the act hereby amended, shall and may have and exercise the like powers within the said village, and proceed in the like manner as the collectors in the several towns in this state have and exercise, by virtue of the act, entitled "an act for the assessment and collection of taxes;" and that the trustees of the said village be, and they are hereby authorised to annex to the tax lists which shall at any time be made out, in pursuance of the act hereby amended, a warrant, which shall be in substance as follows:

Powers of the collector.

"Village of Little Falls, ss.

"To collector of said village.

Form of warrant.

"In the name of the people of the state of New-York, you are hereby required and commanded to collect from each of the inhabitants of said village, the several sums of money written opposite to the name of each of said inhabitants in the annexed tax-list, and within forty days after receiving this warrant, to pay the amount of the monies by you collected, into the hands of the trustees of said village, or some one of them, and take their or his receipt therefor, and if any of said inhabitants shall neglect, or refuse to pay the same, you are hereby further commanded to levy on the goods and chattels of each delinquent, and make sale thereof according to law."

"Given under our hands and the seal of the corporation, this 18

} Trustees of said
} village."

[*Note*.—Little Falls was incorporated as a village, March 30, 1811, *secs.* 34. ch. 37.—The powers of the collector not being sufficiently defined, rendered this act necessary.

CHAP. CXXII.

An ACT to amend an act, entitled "an act to incorporate the Seneca Lock Navigation Company."

Passed April 13, 1814.

Capital stock increased.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the capital stock of the president, directors and company of the Seneca Lock Navigation shall be increased to sixty thousand dollars, and that it shall be lawful for the said president and directors to continue to receive subscriptions to the said capital the additional number of four hundred shares of twenty-five dollars each.

A certain proviso repealed.
Proviso.

II. *And be it further enacted,* That the first proviso in the sixth section of the act hereby amended, be, and the same is hereby repealed: *Provided however,* That if the said company shall not within two years, complete all the said locks, as therein are contemplated by the act hereby amended, then and in such case, this clause shall be of no effect, and the proviso hereby repealed, be of full force and effect.

Route may be altered.

III. *And be it further enacted,* That it shall be lawful for the president and directors of the Seneca road company to alter the route of their road in the town of Junius, in the county of Seneca, from the house of John Van Tuyle, to the house of William Smith; and if any owner or occupant of any lands over which the altered road shall pass, shall suppose that he shall have sustained any damage thereby, in case the same is not agreed upon and paid, it shall be the duty of the said president and directors to cause the said damages to be ascertained, and paid in the manner prescribed by the act incorporating the said company.

Damages how ascertained and paid.

Act not to be in force, if in one year stockholders &c. dissent. Certain territory annexed to Allegany.

IV. *And be it further enacted, and this act is upon this express condition,* That if a majority in interest of the present stockholders, shall within one year, at a regular meeting, upon due notice given, express their dissent from the provisions of this act, and communicate the same to the secretary of this state, this act, and every thing therein contained, shall cease and be of no effect.

[*Note.*—This company was incorporated April 6, 1813, sess. 36. ch. 144.—Its importance to the western part of the state is great.—It will open a communication by water from Cayuga to Seneca lake and thus give great facility to the commercial and agricultural interest of the counties of Tioga, Steuben, Ontario and Seneca.—The principal trade which will be thus carried on consists of flour, salt, plaster of paris, and all kinds of grain.—The locks are not yet completed, but will probably be in twelve or eighteen months.—Much credit is due to the enterprize and activity of Abraham Dox and Philetus Swift, Esquires, in promoting this great object of national importance.

CHAP. CXXIII.

An ACT to annex a part of the county of Cattaraugus to the county of Allegany, and for other purposes.

Passed April 13, 1814.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That until the said county of Cattaraugus

shall be organized as a county, pursuant to an act of the Legislature, passed March 11th, 1808, entitled "an act to divide the county of Genesee into several counties," all that part of the said county of Cattaraugus, lying and situated east of the east boundary line of the seventh range of townships in the Holland company's lands, in the said county of Cattaraugus, shall be annexed to and is hereby considered as a part of the county of Allegany, for all purposes whatsoever.

II. *And be it further enacted*, That all monies which shall hereafter be raised by county tax in that part of the said county of Cattaraugus, so as aforesaid annexed to the said county of Allegany, shall be for the sole use of the same, it paying its just proportion of all contingent county expenses arising from the annexation of it to the said county of Allegany.

Certain monies how appropriated.

III. *And be it further enacted*, That all that part of the towns of Olean and Ischua, in the said county of Cattaraugus, hereby annexed to the said county of Allegany, shall be and remain separate towns, by the name of Olean and Ischua.

Olean and Ischua to remain towns, &c.

IV. *And be it further enacted*, That all that part of the said county of Cattaraugus, situated west of the said east boundary line of the seventh range of townships, in the said Holland company's lands, shall remain annexed to the county of Niagara, and shall from and after the day preceeding the first Tuesday in April next, be erected into a separate town by the name of Perry; and, that the first town meeting in said town shall be holden at the house, lately occupied by Mr. Nichols, deceased, on the second Tuesday of April next.

The town of Perry erected and annexed to Niagara.

V. *And be it further enacted*, That all future annual town meetings in said town of Perry, shall hereafter be holden on the first Tuesday in March, at such place as a majority of the freeholders and inhabitants of the same shall appoint.

Town meetings when held in said town.

VI. *And be it further enacted*, That as soon as may be after the second Tuesday in April next, the overseers of the poor of the said towns of Olean, and Ischua, and Perry, shall meet together at the house of Sylvanus Russells in the said town of Olean, after due notice for that purpose, and divide the monies and poor belonging to the said towns, respectively, and each of the said towns shall for ever thereafter maintain their own poor.

Poor monies to be divided.

VII. *And be it further enacted*, That if, at the time of the passing of this act, there shall be in the hands of the treasurer of the said county of Niagara, or of the treasurer of the state, any money justly due to the said county of Cattaraugus, one moiety of the same shall be paid to the treasurer of the said county of Allegany, for the exclusive use of that part of the said county of Cattaraugus, so as aforesaid, annexed to the said county of Allegany.

Certain monies how appropriated.

[*Note*.—The distinguished hero of lake Erie has given name to a town in a county near the scene of his ever memorable and brilliant success over the enemies of our country.—For the convenience of the inhabitants of Olean and Ischua; the Legislature annexed those towns to the county of Allegany.]

An ACT for the relief of the heirs of Henry Leal, deceased.

Passed April 13, 1814.

Recital.

WHEREAS Alexander Leal, Daniel M'Gillivray and Frederick P. Foote, executors of the last will and testament of Henry Leal, deceased, have in conjunction with others, the widow and relatives of the said testator, by their petition represented and shewn, that it would greatly promote the interest of the heirs of the said Henry Leal, all of whom are now under age, to have the real estate whereof he died seized, sold, and after paying such of the debts of said deceased as yet remain unpaid, to have the residue of the monies arising from such sale placed out at interest upon real security, to be disposed of according to the will of the said testator: Therefore,

A. Leal and others authorised to sell certain real estate.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the said Alexander Leal, Daniel M'Gillivray and Frederick P. Foote, be, and they hereby are authorised and empowered to sell and dispose of for the best price that can be obtained therefor, all such real estate as the said Henry Leal died seized of, in the town of Delhi and county of Delaware, and good and sufficient deed or deeds of conveyance for the same, to execute and deliver to the purchaser or purchasers thereof, which shall be as valid and effectual, to all intents and purposes against the heirs of the said Henry Leal, or any person claiming by, from, or under them, as if the same had been made by the said Henry Leal in his life-time.

Proceeds of sale, how disposed of.

II. *And be it further enacted,* That out of the monies arising from the sale of the above mentioned real estate, the said executors shall pay such of the debts of the said testator as shall then remain in arrears and unpaid, and the residue, after defraying all just and necessary expenses, they may in their discretion, either cause to be secured by bond and mortgage upon the premises sold, or they may loan it on any real security within the county of Delaware, aforesaid, which shall be unincumbered, and of double the amount in value to the sum loaned: *Provided always,* that the monies thus secured or loaned, shall bear legal interest payable annually, and that the time limited for the repayment of the principal, shall in no case extend beyond the period appointed by the said testator in and by his said last will and testament for the final distribution of his estate: *And provided further,* That Helen Leal, the widow of the said testator, shall at the time of executing the conveyances authorised by this act, execute and deliver to the purchaser or purchasers, a release of all her right of dower in the said premises thus conveyed.

Proviso.

Further proviso.

Interest how applied.

III. *And be it further enacted,* That the interest of that portion of the purchase monies aforesaid, which shall be secured or loaned in pursuance of this act, shall be paid over annually, by the said executors, or the survivors or survivor of them, to the said Helen Leal, so long as she would have been entitled to the use and profits of the said real estate, by the terms of the said will, and to be by her disposed of in the same manner, as the said use

and profits would or ought to have been, according to the said will, had the said real estate remained unsold, and the principal shall be distributed at the same time, and in the manner pointed out in the said will for the distribution of all the said testator's property, real and personal.

IV. *And be it further enacted*, That the said executors shall be held responsible in their persons and their property, to the heirs of the said Henry Leal, deceased, for the faithful execution of the trust reposed in them by this act. Responsibility of executors.

[*Note*.— This act requires no remark.]

CHAP. CXXV.

An ACT relative to inspectors of beef and pork in the city of New-York.

Passed April 13, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be the duty of every repacker and inspector of beef and pork for the city and county of New-York, whenever applied to for that purpose, to inspect and repack beef and pork, not less than twenty barrels or half barrels at one time, at any place within the said city and county: *Provided*, That the person applying for such duty to be performed, shall pay to such repacker and inspector all the extra expense which may attend the same, being done separate from his stores or yard; *And provided further*, That nothing herein contained shall contravene the twenty-ninth section of the act, entitled "an act to provide against infectious and pestilential diseases," passed the 26th March, 1813. Inspection of 20 bills or half barrels at a time, may be at any place in New-York.
 Provide.
 Further provide.

[*Note*.—The act for the inspection of beef and pork is in V. N. & W. v. 2. 324.—The 19th section restricted the inspection to the store or yard of the inspector.—This act proving inconvenient with regard to small quantities of beef and pork, the present act was passed to remedy the same.]

CHAP. CXXVI.

An ACT supplementary to the act, entitled "an act further to improve the road from Hopkinton in the county of St. Lawrence to Northwest Bay on Lake Champlain."

Passed April 13, 1814.

WHEREAS John Grant one of the commissioners appointed in and by the act, entitled "an act further to improve the road from Hopkinton in the county of St. Lawrence, to Northwest Bay, on Lake Champlain," passed June 19th, 1812, hath represented to this Legislature, that he hath removed and now resides at so great a distance from the said road as to render it inconvenient for him to attend to the duties required of him in and by said act: Therefore, Recital.

Certain commissioners in the stead of others, appointed.

Who are to give bond.

Their compensation.

I. BE it enacted and declared by the people of the state of New-York, represented in Senate and Assembly, That Malcom M'Martin, be, and is hereby appointed a commissioner in the room and stead of the said John Grant, and that Iddo Osgood, be and he is hereby appointed a commissioner, who with the said Malcom M'Martin, shall, together with Benjamin W. Hopkins, superintend the opening and making of said road, agreeably to the provisions of the said recited act; and the said Malcom M'Martin and Iddo Osgood shall, before they enter upon the trust committed to them, execute to the people of this state, a bond in the sum of five thousand dollars, with sureties to be approved by the comptroller, conditioned that they will faithfully expend all monies which may come into their hands, for opening and making said road, according to the true intent and meaning of said recited act; and that they will account with the comptroller for the expenditure of all such monies whenever thereunto required; and the said bond shall be filed in the comptroller's office; and the said John Grant shall account with the comptroller for the monies received by him, and pay the balance remaining in his hands, if any, to the said commissioners.

II. And be it further enacted, That the said commissioners shall each be entitled to two dollars a day for their services and expenses whilst necessarily employed in the discharge of their duties.

[*Note.*—The act amended is in sess. 35. ch. 186.—The road in question has from time to time received much legislative attention and patronage.]

CHAP. CXXVII.

An ACT to build a Bridge over Genesee river, and for other purposes.

Passed April 13, 1814.

Recital.

WHEREAS by the fortieth section of the act, entitled "an act for the payment of certain officers of government and for other purposes," passed the 13th of April, 1813, it was enacted and made the duty of the treasurers of the counties of Ontario and Genesee, that out of the first monies they may receive for arrears of taxes due said counties from the treasurer of this state, they should then severally pay to Hugh M'Nair, Joseph W. Lawrence and John H. Jones, the sum of two thousand dollars, for the purpose of building a bridge over the Genesee river, between the towns of Genesee and Leicester, at or near the ferry now kept by Peter Behee, the said commissioners disagreed about the site, whereby the said bridge is not built, to the great disadvantage of the public, to remedy which,

Commissioners to determine where bridge shall be built.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That William Shephard, of the town of Canandaigua, Abel Thomas, Esquire, of the town of Middlesex, in Ontario county, and Elizur Webster, of the county of Genesee, be and they are hereby appointed and required to meet on the first Tuesday of May next, at ten o'clock in the forenoon, at

the ferry of the said Peter Bebee, and then and there determine and say where the said bridge shall be built, and their determination, or that of a majority of them, in the premises, shall be conclusive; and if it should so happen, that the commissioners hereby appointed should not meet on the day herein appointed, it shall be lawful for them to meet and determine on a future day: *Provided*, They meet on or before the first day of June next following: *Provided nevertheless*, That the commissioners hereby appointed, before they proceed to determine where the said bridge shall be built, shall severally take and subscribe, before some person duly qualified to administer oaths, an oath that they will, without favor or affection, order the said bridge to be built where in their judgment the same shall be for the best public good.

Provide.

II. *And be it further enacted*, That as soon as the site of said bridge shall be determined by the commissioners aforesaid, the treasurer of the said counties of Ontario and Genesee, and the said Hugh M'Nair, Joseph W. Lawrence and John H. Jones, are hereby required to do and perform all the duties required of them by the aforesaid recited clause, any thing to the contrary notwithstanding.

Duty of treasurer of Ontario and Genesee and of commis'rs.

III. *And be it further enacted*, That the said commissioners hereby appointed to fix the site of said bridge, shall be paid out of any money in the treasury of the counties of Ontario and Genesee, such sums as the board of supervisors in the county in which they belong, shall credit and allow for their reasonable services.

Compensation of commissioners how paid.

IV. *And be it further enacted*, That it shall be lawful for the treasurer of the county of Ontario, to pay to the order of Septimus Evans, John Price and Roger Sprague, any money in the treasury of said county, not exceeding five thousand dollars, not otherwise appropriated, for the purpose of building the gaol in said county of Ontario.

5000 dollars appropriated out of the treasury of Ontario for building a gaol.

V. *And be it further enacted*, That that part of the road laid out by John Sayre, Samuel Lawrence and Joshua Van Fleet, commissioners appointed by a law of this state, passed the first day of April, 1808, that runs through the lands of James M'Connell, of the town of Phelps, and John Shekell, in the town of Farmington, and as far west as the hotel at the sulphur spring, in the county of Ontario, is hereby altered to that of the old road on the south line of the said James M'Connell and Shekell's land, in the town of Phelps, to the line between the towns of Phelps and Farmington; from thence northwardly, so as to bring the centre of the road within four rods of John Shekell's now dwelling-house, and from thence, near the hotel above mentioned, to intersect the road on the north line of Shekell's lot, in the town of Farmington.

Certain road altered.

VI. *And be it further enacted*, That it shall be lawful, and it is hereby made the duty of the board of supervisors of the county aforesaid, at their next annual meeting after the passing of this act, to levy and cause to be collected from the freeholders and inhabitants of the several towns in said county, that have or shall comply with the requisitions of the school act, passed the 10th day of June, 1812, a sum equal to their proportions of the school fund for the year one thousand eight hundred and thirteen, and when so

Certain school monies in Ontario how raised and applied.

Duty of the
treasurer of
the county.

raised and collected, shall be paid over to the commissioners of schools in said town, in the same manner as if the same had been levied at the annual meeting of the board of supervisors in one thousand eight hundred and thirteen; and it shall be lawful for the treasurer of said county of Ontario, on receiving the amount due the county from the treasurer of this state, to pay the commissioners of schools of the several towns complying with the act aforesaid, their several proportions of the same, any thing to the contrary notwithstanding.

[*Note*.—The erection of this bridge, derives importance from its opening the communication from the counties of Tioga, Broome and Steuben, and the great southern road *via* Carlisle, in Pennsylvania, to the counties of Genesee and Niagara. The 4th section, authorising a gaol in Ontario, became necessary from the insufficiency of the present gaol, from which escapes had been made.]

CHAP. CXXVIII.

An ACT to amend an act, entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown, in the county of Otsego."

Passed April 13, 1814.

Number of
firemen in
Cooperstown
may be in-
creased.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the said village of Cooperstown, or a majority of them, at any time hereafter, to increase the number of firemen in said village, to such number as they may deem sufficient to manage the fire engine of said village to the best advantage and security of said village against destruction by fire: Provided, such number shall in no case exceed thirty-two.*

And to be
subject to all
the rules, &c

II. *And be it further enacted, That all and every fireman so appointed, shall be subject to all the rules and regulations, and liable to all the pains and penalties of the act hereby amended.*

[*Note*.—Cooperstown was first incorporated by the name of *Otsego*, April 3, 1807—and June 12, 1812, it received its present corporate name, tho' it had long before been called Cooperstown. Its increasing population required the present act to be passed.]

CHAP. CXXIX.

An ACT to incorporate the Patent Cloth Manufacturing Company.

Passed April 13, 1814.

Corporation
created and
general pow-
ers.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That William Shotwell, and Arthur Kinder, and such other persons as now are or may hereafter be associated with them for the purposes of manufacturing of hair by itself, or hair mixed with any other material or materials, shall be and are hereby ordained, constituted and declared to be, until the first day of December, which will be in the year of our Lord one thousand eight hundred and thirty-four, a body corporate and politic, in fact and in name, by the name and style of "The patent cloth manufacturing company," and by that name, they their suc-*

Style.

vestors and assigns until that time, shall and may have continual succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate so to be holden, shall be such only as shall be requisite to promote and attain the object of this incorporation, such as shall have been bona fide mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been recovered for such debts.

II. *And be it further enacted*, That the capital stock of the said corporation, shall not exceed four hundred thousand dollars, and that each share of the said stock shall be twenty-five dollars, and that subscriptions to the said capital stock, shall be opened and kept open under the direction of the said William Shotwell and Arthur Kinder, until the number of shares subscribed shall amount to at least eight thousand.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven trustees, one of whom shall be president, and the said trustees shall be stockholders and citizens of the United States, and shall hold their offices for one year, and until others shall be chosen, and no longer: and the said trustees shall be elected on the first Monday of June in every year hereafter, at such time of the day, and at such place within the city of New-York, as a majority of the trustees for the time being may appoint, and public notice shall be given by the said trustees not less than ten days previous to the time of holding said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose, in their proper persons or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the persons who shall have the greatest number of votes at an election, shall be trustees; and if it shall happen at any election that two or more persons have an equal number of votes, so that no choice shall have been made as to such persons, then the said stockholders herein before authorised to vote at such election, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the trustee or trustees, so as to complete the whole number of seven; and the said trustees, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the trustees so to be elected, shall at any time remove out of the United States, the office of such trustee or trustees shall be considered as vacant; and if any vacancy or vacancies shall

at any time happen among the trustees by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the trustees for the time being, or the major part of them, shall appoint; and that the said William Shotwell and Arthur Kinder, together with the five first subscribers in the city of New-York, shall be the first trustees, and shall hold their offices until the first Monday of June, one thousand eight hundred and fifteen, or until an election shall have been made according to the provisions herein contained.

First trustees declared.

Election may be held at any day.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of trustees should not be made on the day, that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, and in the manner aforesaid, as shall be prescribed by the bye-laws and ordinances of the said corporation.

Calls on stock regulated.

V. *And be it further enacted*, That it shall be lawful for the president and trustees of the said corporation, to call and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem fit, under pain of forfeiture of their shares, and all previous payments thereon to the said corporation: *Always however*, giving at least thirty days previous notice of such call and demand in one of the public newspapers, to be published in the city of New-York, as aforesaid.

Notice required.

Powers of trustees, quorum, etc.

VI. *And be it further enacted*, That the majority of the trustees for the time being, shall form a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such bye-laws, rules and regulations not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property and effects of the said corporation: The duties and conduct of the officers, clerks and servants employed therein; the election of trustees, and all other such matters as appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Transfer of stock regulated.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and trustees for that purpose.

Surplus capital, how it may be employed. Restriction as to dealing in public stock.

VIII. *Be it further enacted*, That the said corporation may employ any surplus capital in manufacturing of wool, cotton, or hardware, but shall not employ any part of their capital in dealing or trafficking in any stock created by any law of this state, or of the United States, or in any other business or employment, than such as may be necessary and proper for carrying into effect the declared objects of this act; but the said corporation may notwithstanding any thing herein contained, vest in any public stock of the United States, or of this state, any part of their capital stock actually and bona fide called in and usually employed in the or-

inary operations of the said corporation, and continue the same so vested, until the exigencies of the said company, contemplated by this act, shall require its sale.

IX. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be for the time here-in before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

This act declared to be a public act.

[*Note.*—This corporation will become of singular importance to society. The cloth to be manufactured being in whole or part composed of hair, will, by its being more durable, become a good substitute for wool, &c. The cloth has stood the test of experiment, and bids fair to add another splendid evidence of the ever active inventive genius of America.—Add this corporation to the *table* of corporations, V. N. & W. v. 2. page 566.

CHAP. CXXX.

An ACT to authorise the supervisors of the county of Herkimer to raise money by tax for the erection of a fire-proof clerk's office in said county.

Passed April 13, 1814.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Herkimer shall, at their annual meeting on the first Tuesday of October next, levy and raise by tax on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, over and above the ordinary expenses of collecting the same, which amount may be drawn from the treasury of the said county upon the order of Asa Munger, Alfred Putnam and Jacob G. Webee, who shall be and hereby are appointed commissioners for purchasing a site for said office within sixty rods of the court-house, at the village of Herkimer, and for superintending and building the said office, of such size and dimensions as to them shall seem proper; and the said commissioners are hereby authorised to borrow the necessary sums of money for the speedy erection of the said office, at an interest not exceeding seven per cent per annum, and shall account with the supervisors of the said county for all disbursements and expenditures in erecting the said fire-proof clerk's office, in which adjustment of accounts a reasonable compensation for the time and expenses of the said commissioners shall be allowed.

Monies to be raised for building a fire proof clerk's office.

Commissioners appointed.

Authority to borrow.

Compensation to commissioners.

Clerk's office to be kept in Herkimer.

II. *And be it further enacted*, That it shall be duty of the clerk of said county, hereafter to keep his office in the village of Herkimer.

[*Note.*—This act requires no remark.

CHAP. CXXXI.

An ACT to provide for the inspection of distilled spirits.

Passed April 13, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the person administering the

government of this state, by and with the advice and consent of the Council of Appointment, may from time to time appoint a proper person in each of the counties of this state to be an inspector of distilled spirits, who shall hold his office during the pleasure of the said Council; and it shall be lawful for every such inspector, by writing under his hand and seal, to appoint one or more deputies, as he may think proper and necessary to assist him in the execution of the duties of his office, and displace the same at pleasure; and all acts of such deputy or deputies shall be performed in the name of the said inspector, and the said inspector shall be responsible for the faithful conduct of his said deputy or deputies.

Who may appoint deputies.

Inspectors and their deputies to take an oath.

Oath.

II. *And be it further enacted*, That every such inspector and deputy shall, respectively, before he enters upon the duties of his office, take the following oath or affirmation, if in either of the cities of New-York, Albany, or Hudson, before the mayor or recorder thereof, and if in any other part of the state, before one of the judges of the court of common pleas in the county for which he may be appointed, viz: "I, A. B. do swear or affirm, that I will faithfully, truly, and impartially, according to the best of my judgment, skill and understanding, execute, do, and perform the office and duty of inspector of distilled spirits, according to law."

Duties of inspectors and their deputies.

Fine.

III. *And be it further enacted*, That it shall be the duty of every inspector, or deputy inspector, appointed in pursuance of this act, upon application to him made to inspect all spirits distilled within any of the United States or the territories thereof, and to mark the cask containing the same in a distinguishable manner, the proof or degree of spirits of such liquor or spirits, and for such service he shall be entitled to receive from the person making such application, twelve and an half cents, for every cask so inspected and marked in the cities of New-York, Albany and county of Kings, and twenty-five cents for every cask inspected and marked elsewhere.

To determine the proof by Southworth's hydrometer.

IV. *And be it further enacted*, That the inspectors and deputy inspectors to be appointed in pursuance of this act, shall determine the proof or degree of spirits of the liquor, by them inspected, by Southworth's hydrometer, and that P on the said hydrometer shall be the standard for first proof.

No sales to be made in New-York before inspection.

V. *And be it further enacted*, That it shall not be lawful after the first day of May next, to sell within the city of New-York, any kind of spirits distilled within any of the United States, or the territories thereof, and contained in a cask the capacity whereof is not less than twenty gallons, unless the same hath been previously inspected and marked in manner aforesaid, by one of the inspectors or deputy inspectors, to be appointed as aforesaid, under the penalty of ten cents for each and every gallon so unlawfully sold, to be recovered from the person or persons making such sale, in any court having cognizance thereof.

Penalty.

Penalties for frauds in altering marks or other brands.

VI. *And be it further enacted*, That if any person shall after the inspecting and marking of any cask, as herein before mentioned, fraudulently either alter the said mark, or shall put into such cask any thing whatever, for the purposes of altering or changing the quality, head, or nature of the spirits or liquor contained

therein, at the time of the inspectors marking the same, or shall, after such hath been emptied of such spirits or liquor, put other spirits or liquors therein, without first obliterating the whole of such mark of the inspector, such person shall, in every case, forfeit the sum of twenty-five dollars, to be recovered in any court having cognizance thereof.

VII. *And be it further enacted*, That no cask marked or branded in the manner herein before mentioned, shall, after it hath been emptied of its contents at the time of inspection, be sold or otherwise disposed of, before the mark or brand set thereon, pursuant to the provisions of this act, shall have been defaced or obliterated, under the penalty of ten dollars, to be recovered before any court having cognizance thereof.

Marks on empty casks to be defaced before they are again used.

VIII. *And be it further enacted*, That if any person shall adulterate any distilled spirits, or any spirits in a state of distillation, with any poisonous or unhealthy drug or substance, or any person who shall sell such spirits, knowing the same to be adulterated, as aforesaid, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine not exceeding one thousand dollars, and to imprisonment, not exceeding four years, or both, or either, at the discretion of the court before whom such conviction shall be had.

Penalty for adulterating spirits, &c.

IX. *And be it further enacted*, That the several penalties that may be incurred under this act, shall be prosecuted for and recovered in the name of the said inspector for the time being, and that one half part of every such penalty, when recovered and received by the said inspector, shall be by him paid over to the overseers of the poor in the county where such recovery shall be had, and the other half remain to the use of the said inspector.

Penalties under this act, how sued for and distributed.

[*Note.*—This act makes it only *compulsory* in the city of New-York to inspect all spirits of domestic manufacture before sale.—It became necessary principally on account of the increased quantities of *whiskey* distilled in this state.—Many frauds had been detected which rendered this provision necessary.—The great quantities of spirituous liquors required for the consumption of the troops in the U. S. service was an additional motive for its passage.

CHAP. CXXXII.

An ACT authorising a loan of money to the Rutland Woollen Manufacturing Company.

Passed April 13, 1814.

WHEREAS Ethel Bronson in behalf of the Rutland Woollen Manufacturing Company, has by memorial, represented to the Legislature, that they have erected a woollen manufacturing establishment in the town of Rutland, and that they need some aid in funds, to promote their manufacturing business to advantage, praying Legislative aid in the premises: Therefore:

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the Comptroller be, and he is hereby authorised and directed, to loan, out of any unappropriated funds of this state, to such stockholders of the Rutland Wool

Not exceeding 5000 dollars directed to be loaned to this company.

Proviso.

Iron Manufacturing Company as shall make application therefor, for a sum of money not exceeding five thousand dollars in the whole, for a term not exceeding six years, from and after the first day of June next, at an interest of seven per cent per annum, payable annually: *Provided always*, That no money shall be loaned by or under the authority of this act, unless the same shall be well secured by bond and mortgage on real estate, in value at least twice the amount of the sum loaned, exclusive of buildings.

[*Note.*—This act is a further evidence of the encouragement given by the Legislature to domestic manufactures.

CHAP. CXXXIII.

An ACT to incorporate the proprietors of the Conduit Company of Troy.

Passed April 13, 1814.

Recital.

WHEREAS certain persons have associated for supplying the village of Troy with water, and have by their petition prayed to be incorporated: Therefore,

Corporation created and general powers.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Richard P. Hart, Nathan Warren and Daniel Meritt, and their associates, shall be, and hereby

Style.

are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees of the Conduit Company of Troy," and by that name may and shall have succession for the term of thirty years, after the passing of this act, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of actions, matters and causes whatsoever, have a common seal, and make, change and alter the same at pleasure, and be capable of purchasing and conveying any estate real or personal for the use of the said corporation:

Proviso.

Provided, such estate shall be necessary to attain the object of this incorporation, that the stock of the said corporation shall be deemed personal property, and shall consist of one hundred shares of one hundred dollars each; that each of the stockholders of the said association shall pay in such proportions and at such periods of time as the trustees of said company shall direct and appoint, upon pain of forfeiture of their shares and all previous payments thereon, to said trustees, for the use of said company:

Capital stock limited.

Trustees how elected, &c.

That the management of the concerns of said company shall be intrusted to five trustees, being stockholders and inhabitants of the village of Troy, which trustees shall hold their offices one year from the first Tuesday in September, in every year: That an election shall be held on the Saturday preceding every such Tuesday in September, in every year, in such place in the village of Troy, and at such hours, as the trustees shall from time to time appoint by notification, to be published in one of the newspapers printed in said village, at least one day before the election day: That all elections shall be by ballot, by the stockholders personally, or by proxy, each stockholder voting in the following

proportions, to wit: One vote for every share not exceeding five, and one vote for every two shares over five; but no person or co-partnership shall be entitled to more than ten votes, and the said five persons having the greatest number of votes, shall be trustees; that any two or more persons having an equal number of votes, so as that five trustees shall not be chosen or elected, the stockholders shall, on the Monday next succeeding, at the same place and same hour, in like manner, elect out of the persons so having an equal number of votes, so many as shall complete the number of five trustees: That the trustees shall on the second Tuesday in September, in every year, elect one of their number president: That in case of the absence of the president from any meeting, the trustees present may appoint one of their number president for the meeting; and, that in case of vacancy in the office of any of the trustees, by death, resignation or removal from the said village, others shall be elected by the stockholders in like manner as aforesaid, to fill such vacancy, and that Daniel Merrit shall be the first president, and Daniel Merritt, Richard P. Hart, Nathan Warren, Townsend McCoun and Derick Y. Van Derheyden, the first trustees of said company to remain in office until the first Tuesday in September next.

Vacancies
how filled.

First president
and trustees.

II. *And be it further enacted*, That the said trustees shall be authorised in their discretion to appoint a clerk, superintendent, and such other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the powers vested in said company; to declare dividends on the stock of said company; to establish rules and regulations by ordinances and bye-laws, for and concerning the government of such officers, agents, and servants, and for determining the compensation to which they shall be entitled; and, for and concerning the manner of making transfers of the said stock, and the conduct and government of all such persons as shall use the water from said conduit, so far as respects the preservation of the water furnished by the said company, and the use thereof, and to restrain the waste thereof, and by such bye-laws and ordinances to impose penalties and forfeitures for refusal to comply therewith, so as that such penalty and forfeiture in any one case shall not exceed five dollars, which penalties or forfeitures shall be recoverable in the name of the clerk or superintendent, before any justice of the peace of the village of Troy, with costs in an action of debt; and for the purpose of effectually supplying the inhabitants of said village with water, it shall and may be lawful to and for the said trustees and company, to use any fountain and to conduct the same through or over any lands in the township or village of Troy, and in case of disagreement with the owner or owners, of any fountains, lands, or tenements, as to the compensation to be for the injury committed by such operations, or if the owner or owners be out of the state, feme covert, under age, or insane, that then and in such case it shall be lawful for any two judges of the court of common pleas in and for the county of Rensselaer, upon application of said trustees, to appoint three indifferent persons, being freeholders, to appraise such damages, and they or any two of them, shall with all convenient speed, first having taken an oath before a justice of the peace for the faithful discharge of their duty, make such appraise-

Powers of
trustees.

Lands may
be used for
operations of
the company
and damages
how ascer-
tained.

ment and report the same to the judges who shall have made such appraisement, in writing subscribed by them, which report the said judges shall forthwith cause to be filed in the office of the clerk of said county, with a certificate to be subscribed by them of their having made such appointment; that the said trustees shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorised to receive the same, whenever he, she, or they, should demand the amount of such damages, and shall forthwith after such appraisement shall have been completed, pay to said judges, all costs, charges, attending the making such appraisement and perfecting such report, which payment shall be deemed full compensation for such injury, and that it shall and may be lawful to and for the said trustees and company to conduct and lay their conduits below the surface of any street or any public highway in the said village or township of Troy, putting such street or public highway in as good condition as the same was before such conduits were laid.

Penalty for
injuring
works, &c.

III. *And be it further enacted*, That if any person or persons shall wilfully stop, impair, or break any conduit, reservoir, or any other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she, or they, shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the trustees in an action of trespass, in every court having cognizance thereof with costs.

Election
may be held
at any day.

IV. *And be it further enacted*, That in case any election shall not be holden on the day which by this act is prescribed, the said corporation shall not therefore be dissolved, but it shall and may be lawful for the stockholders to hold such election on any subsequent day, within sixty days thereafter.

[*Note*.—On the 16th June 1812—Sess. 35. ch. 172, a company was incorporated in Troy, by the name of “The Trustees of the Earthen Conduit Company of Troy,” with privileges and immunities similar to those in the present act, except that the present corporation are not limited to earthen conduits.—The late improvements introduced in the manufacture of cast-iron pipes, at Salisbury in Connecticut, for the purpose of conducting water, promise to be more durable than any yet invented.]

CHAP. CXXXIV.

An ACT supplementary to the act, entitled “an act to designate and establish the boundary line between this state and the state of Vermont.

Passed April 15, 1814.

600 dollars
to be paid
for the ex-
penses in-
cident, &c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the treasurer shall pay on the warrant of the Comptroller, to Smith Thompson, Simeon De Witt and George Tibbits, the sum of six hundred dollars, to enable them to defray the expenses incident to the business assigned by the said act, for which sum they shall account with the Comptroller.

Compensa-
tion to the
commissioners.

II. *And be it further enacted*, That in settling the accounts of the said Smith Thompson, Simeon De Witt and George Tibbits, the Comptroller shall allow to each of them, at the rate of two dol-

hats per day, for the time they shall respectively have been actually employed in performing the duties enjoined on them by the act aforesaid.

[*Note*—On the 6th March, 1790—Sess. 13. ch. 18 Gr. v. 2. 297, Robert Yates, Robert R. Livingston, Gulian Ver Plank, Simeon De Witt, Egbert Benson, Richard Sill, and Melancthon Smith, were appointed commissioners to declare the consent of the Legislature to the erection of a new state by the name of *Vermont*, and to cede and relinquish certain territorial and jurisdictional rights of this state as “the peace and interest of the United States, in general, and of this state in particular,” should require.”—On the 7th October, 1790, the cession was accordingly made.—It is the province of the historian to relate the unprecedented revolt and tumults which had arisen in that portion of territory now called Vermont, antecedent to these measures, and how much was sacrificed by this state to conciliate the good will of our neighbors.—By the act of cession, (recorded in the Secretary’s office, Book H. pages 438, 439, 440, 441.) the commissioners on the part of this state declared, “that the community now actually exercising independent jurisdiction “as the state of Vermont be admitted into the union of the United States of “America.”—It was further declared, that on that state paying this state 30,000 dollars by a certain day therein named, “all rights and titles to lands within the “state of Vermont, under grants from the late government of the colony of New-York; or from the state of New-York, [with certain exceptions] should cease.”—The 30,000 dollars were paid and lands of upwards of a million of dollars in value were thus wrested from their owners without their consent, and became the property of the state of Vermont.—The 30,000 dollars were afterwards distributed among such owners by commissioners appointed by this state, and about 4 cents and 9 mills per acre were paid them for lands in some instances worth as many dollars, and even more—On the 8th June, 1812, sess. 35. ch. 90, Smith Thompson, Simeon De Witt and George Tibbits were appointed commissioners to designate (in conjunction with commissioners to be appointed by Vermont) “by permanent monuments,” the boundary line between the two states, according to the description thereof, in the cession of October 7, 1790.—The present act makes provision for the expenses of the commissioners.]

CHAP. CXXXV.

An ACT further to amend the act, entitled “an act to establish a turnpike road, from the village of Waterford through the town of Whitehall to Westhaven, and for other purposes.”

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the act entitled “an act amending an act to establish a turnpike road from the village of Waterford, through the town of Whitehall to Westhaven,” passed March the ninth, one thousand eight hundred and ten, be and the same is hereby revived and extended, and that the time mentioned in the said act for commencing the operations of the said company on the route of the road in the said act mentioned, is hereby extended for the term of two years after the passing of this act, and that the term for completing the said road, is hereby also extended until the first day of April, in the year of our Lord, one thousand eight hundred and twenty-five, any thing in the act hereby amended to the contrary thereof in any wise notwithstanding.

Certain not revived and extended.

Trustees of Waterford may require the removal of nuisances from lots, etc.

II. *And be it further enacted,* That whenever the trustees of the village of Waterford, shall by ordinance direct the removal of any

Expenses to
be reimburs-
ed, or, etc.

nuisance from any lot or lots in said village, the property of a non-resident or non-residents, or the improvement of the streets or alleys contiguous to such lot or lots; it shall be lawful for the said trustees to make such removal or improvement and charge the amount of such removal or improvement, to such non-resident owner or owners, giving them notice of such charge: And if such owner or owners shall not within three months after such notice, pay to the trustees aforesaid, the monies so expended in their behalf, it shall be lawful for the said trustees to take possession of and lease such lot or lots, until they shall be remunerated for the monies expended as aforesaid, with interest, at the rate of twelve per cent per annum, or until they shall receive such remuneration from the owner or owners of such lot or lots, and in case the owner shall make such payment before the lease for which the same may have been leased by the trustees, shall have expired, it shall be lawful for the tenant under the said trustees to remove any fences or building which may have been erected by him on the same.

[*Note*.—This turnpike company was incorporated March 28, 1806—sess. 29. ch. 87. W. v. 4. 423.—By the act of March 9, 1810—sess. 33. ch. 33. the toll among other provisions was increased, but the operations of that act was limited to two years from the passing thereof.—The present act extends the time.]

CHAP. CXXXVI.

An ACT extending the time for the payment of the loan to Horatio G. Spafford, and for other purposes.

Passed April 15, 1814.

Payment of
loan to H.G.
Spafford sus-
pended.

I. *BE it enacted by the people of the state of New-York, re-presented in Senate and Assembly*, That the payment of the amount of the loan made to Horatio G. Spafford, by an act, entitled "an act authorising the Comptroller to loan money to Horatio G. Spafford," be, and the same is hereby suspended for four years, upon condition, that the said Horatio G. Spafford execute a new bond to the Comptroller, with the same or other sufficient securities, in the election of the Comptroller, for the payment of the said loan within four years from the date hereof, with the interest thereon annually.

Another loan
made to him
of 8000 dollr.

II. *And be it further enacted*, That the Comptroller shall, and he is hereby required to loan to the said Horatio G. Spafford, the further sum of three thousand dollars, on the same terms and conditions prescribed by the act, entitled "an act authorising the Comptroller to loan money to Horatio G. Spafford," and the first section of this act.

[*Note*.—The act authorising the loan was passed April 4, 1811—sess. 34. ch. 153.—The sum loaned was 8000 dollars, payable in three years with interest.—Its object was to defray the expenses of publishing "A copious Gazeteer of the State," which Mr. Spafford had written.—This work has since appeared, and does certainly great honor to the writer and the state.]

CHAP. CXXXVII.

An ACT authorising John Lowe and others to erect a dam across the Susquehannah river.

Passed April 15, 1814.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for John Lowe, and his associates, to build and maintain a rolling dam across the Susquehannah river, between the lands of John and James Mumford, in the town of Milford, in the county of Otsego, not exceeding five and an half feet in height from the bottom of the river.

II. *And be it further enacted*, That the said John Lowe, and his associates, shall make and keep in good repair a sufficient and convenient lock through said dam, for boats, rafts and arks to pass up and down the said river. The said lock to be made and completed at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and when so completed, the said lock shall be free for all boats, rafts and arks to pass up and down the said river through the same without any charge or toll therefor, any law, usage or custom to the contrary notwithstanding: *Provided always*, That nothing in this act shall be so construed as to authorise the said John Lowe, and his associates, or their assigns, to obstruct the stream of the said river, so as to cover any land with water, unless the consent of the owner or owners thereof first had and obtained: *And further*, This act shall be and remain in force for the term of fifteen years and no longer.

[*Note.*—Add this to the act which has permitted dams, &c.—V. N. and W. V., vol. 2, 285.]

CHAP. CXXXVIII.

An ACT for the relief of Sarah Gordon, Martin Van Buskerk and Maritie his wife.

Passed April 15, 1814.

WHEREAS Sarah Gordon, Martin Van Buskerk, and Maritje his wife, have, by their respective petitions to the Legislature, represented that they, the said Sarah Gordon, and Maritje Van Buskerk, are two of the children devisees of Philip Van Ness and Lanah his wife, that the said Phillip Van Ness, in and by his last will and testament, devised to them respectively in fee about four hundred acres of land, situate in the town of Cambridge, in the county of Washington, that upon his death they entered into the possession and enjoyment of the lands so devised, and have continued such possession until the present time, (except of so much thereof as has been conveyed by the said Lanah Van Ness, at the solicitation and for the benefit of the said Sarah Gordon and Maritje Van Buskerk,) that since the decease of the said Philip Van Ness, it has been discovered from the title papers to

the said lands, that the estate he held therein was an estate in joint tenancy with his said wife Lanah Van Ness, and that upon his death the title thereto vested in her as survivor: That the said Lanah Van Ness, after the death of said Philip Van Ness, to wit, on the twenty-first day of August, in the year one thousand eight hundred and eleven, made and executed her last will and testament in due form of law, and thereby devised the lands which had been before devised by the said Philip Van Ness, to the said Sarah Gordon and Maritie Van Buskerk, to Walter Van Veghten, Asahel Morris and Gerrit Wendell, the survivors or survivor of them, and to their heirs and assigns forever, in trust, to grant, bargain and sell, or to demise the said premises; and in case the said premises were demised, to pay the rents, issues and profits thereof to the said Sarah Gordon and Maritie Van Buskerk respectively, and to take their receipts therefor, notwithstanding their coverture, and in case the said premises were sold, to place the monies arising from such sale at interest, and to pay such interest to the said Sarah Gordon and Maritie Van Buskerk respectively, in manner aforesaid; and in case of the death of the said Sarah Gordon or Maritie Van Buskerk, to divide and distribute the avails of such sales in such way and manner as the said Sarah Gordon and Maritie Van Buskerk respectively, by writing under their hands and seals, notwithstanding their coverture, should direct; and in case the said Sarah Gordon and Maritie Van Buskerk should not make such writing in their lifetime, then after the death of the said Sarah Gordon and Maritie Van Buskerk, to make such equitable and just distribution of the said premises, or of the avails of the sales thereof, among their respective children, at such times, manner and proportions, as the said trustees should see fit, leaving by such devisees a contingent interest only in the children of the said Sarah Gordon and Maritie Van Buskerk, and that the said Lanah Van Ness died without altering her said will, leaving the said Sarah Gordon and Maritie Van Buskerk in possession of the premises devised to them as aforesaid: *And whereas*, The said Sarah Gordon hath further represented, that the said John Gordon died leaving nine children, and was indebted to sundry persons for debts contracted for the maintenance and support of his family, which she conceives herself in duty bound to pay and discharge, but which she is unable to pay without applying a part of the monies to arise from the sale of some part of the real estate devised to her as aforesaid: *And whereas*, The said Martin Van Buskerk and Maritie his wife, have also represented, that in consequence of unavoidable losses and accidents, and of the expenses of maintaining and supporting their numerous family, the said Martin Van Buskerk is also indebted in divers sums of money which he is unable to pay without applying a part of the monies to arise from a sale of a proportion of the estate devised to the said Maritie, as aforesaid: *And whereas*, The said Sarah Gordon hath, in her said petition, prayed that an act may be passed, authorizing the trustees aforesaid, to apply so much of the proceeds of the sales of the lands devised to her as aforesaid, as will be sufficient to discharge the debts which were due and owing by said John Gordon in his lifetime: *And whereas*, The said Maritie Van

Buskerk hath also, in her said petition, prayed that an act may be passed, authorising the trustees aforesaid, to apply the proceeds of the sales of sixty acres parcel of the lands devised to her as aforesaid, towards the discharge of the debts due from the said Martin Van Buskerk: *And whereas*, Such of the children and heirs at law of the said Sarah Gordon and Maritie Van Buskerk, as are now of full age, have concurred in the application made by the said Sarah Gordon and Maritie Van Buskerk, and the trustees under the will of the said Lanah Van Ness, having also signified their consent and approbation to the prayer of the said petitioners, and it appearing reasonable to the Legislature, that the aid prayed for by the said petitioners should be granted to them: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the trustees named in the last will and testament of the said Lanah Van Ness, the survivors or survivor of them, out of any monies which may come into their hands, by the sale of any part of the real estate, devised to the said Sarah Gordon, by the said Lanah Van Ness, to pay and discharge the debts which were due and owing by said John Gordon at the time of his death, and to pay to the said Sarah Gordon, such sums as she may from time to time require for the maintenance and support of herself and family.

Debts of J. Gordon, how to be paid, etc.

II. *And be it further enacted*, That it shall and may be lawful for the said trustees, the survivors or survivor of them, out of any monies which may come into their hands by the sale of sixty acres of land, parcel of the real estate, devised to the said Maritie Van Buskerk, as aforesaid, by the said Lanah Van Ness, to pay the amount of monies arising from such sale, to the creditors of the said Martin Van Burkerk, towards satisfaction of the debts which may be due and owing by him, and to pay the surplus, if any there shall be, into the hands of the said Maritie Van Buskerk.

Certain other monies how to be paid.

III. *And be it further enacted*, That the monies by this act, authorized to be paid by the said trustees to the creditors of the said John Gordon, deceased, to the said Sarah Gordon and Maritie Van Buskerk, and to the creditors of the said Martin Van Buskerk, and which shall be bona fide paid by such trustees, shall be deemed to have been paid by the said trustees for the benefit and interest of the said Sarah Gordon and Maritie Van Buskerk and their heirs; and, that the said trustees shall in no event be liable to refund the same to them the said Sarah Gordon and Maritie Van Buskerk, or to their heirs, any thing in the said will of the said Lanah Van Ness to the contrary thereof notwithstanding.

Monies how deemed to be paid.

[Note.—This act requires no remark.]

CHAP. CXXXIX.

An ACT for the relief of the heirs of Henry DuBois.

Passed April 15, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-

A grant of 600 acres of land made to the heirs of H. DuBois.

office, be, and they are hereby authorised and required to grant by letters patent to the heirs of Henry Dubois, late a captain in the line of this state, six hundred acres of land, in the tract set apart for bounties to the officers and soldiers serving in the line of this state.

[*Note.*—This act requires no remark, except that it is an honorable evidence of the solicitude of the state to reward the descendants of the revolutionary soldier.]

CHAP. CXL.

An ACT to amend an act, entitled "an act to incorporate the Cohoes Bridge Company, and for other purposes."

Passed April 15, 1814.

Recital.

WHEREAS the president and directors of the Cohoes' Bridge Company, have erected a bridge across the Mohawk river, below the Cohoes Falls, for the accommodation of the public, and the expenses of building the same, have far exceeded their calculations at the passing of the act hereby amended, and it appearing equitable that the present rates of toll for crossing the said bridge should be increased to enable the said company to receive a reasonable compensation for the money expended in building the same: Therefore,

Toll increased.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That instead of the present rate of toll allowed to be collected from persons passing the gate on said bridge, it shall and may be lawful for the said president and directors to demand, receive and take for the use of the corporation, the following toll, in the cases herein after mentioned, to wit: For every four-wheeled pleasure carriage drawn by four horses, forty cents and an half; if drawn by two horses, thirty-one cents; for every curricule, chaise, chair, or sulky, drawn by one horse, eighteen cents and three quarters; if drawn by two horses, twenty-five cents; every waggon drawn by two horses, eighteen cents and three quarters, and for every additional horse, eight cents; for every sleigh or sled drawn by two horses, eighteen cents and three quarters, and for every additional horse, eight cents; for each ox waggon, or cart, drawn by two oxen or horses, eighteen cents and three quarters, and for every additional yoke of oxen, twelve cents and an half; for every one horse waggon, cart, sleigh, or sled, fifteen cents; for every man and horse, nine cents; for every foot passenger, three cents; for every horse, jack, or mule, six cents; for every cow, or other neat cattle, four cents; for every sheep or hog, one cent: And, that it shall and may be lawful for the toll-gatherer, at said gate, to stop every foot passenger, and any person, driving, leading, or riding, any beast or carriage, from going through such gate, until they shall have paid, respectively, the toll herein allowed to be collected: *Provided,* That it shall and may be lawful for the Legislature of this state, from time to time, hereafter, if they shall deem it expedient, to reduce the respective rates of toll to be taken for passing said bridge, to the rates authorised to be collected prior to the passing of this act.

Power of toll gatherers.

Proviso.

II. *And be it further enacted*, That all troops in the service of this state, or of the United States, in travelling on foot; also, all cavalry when on their line of march, or returning from service, shall be exempted from payment of toll for crossing said bridge, and that the proviso contained in the eighth section of the act hereby amended, be, and the same is hereby repealed.

U. S. troops exempt from toll.

A certain proviso repealed.

III. *And be it further enacted*, That the first proviso in the eighth section of the act passed the sixth of April, one thousand eight hundred and five, amending the charter of the president, directors and first company of the northern turnpike road, so far as relates to persons passing the gates of the company, toll free, when going to or from public worship, shall be construed and is hereby declared, to extend only to such person or persons as shall be going to or returning from, his or their usual place of public worship, in the town or neighbourhood where such person or persons do or shall reside.

Certain proviso qualified as to persons going to public worship.

[Note.—See Appendix.]

CHAP. CXLI.

An ACT to exempt certain articles of property from liability to execution, and from being distrained for rent.

Passed April 15, 1814.

WHEREAS certain persons in the city of New-York, have by their petition set forth, that many humane and benevolent persons in the said city have associated together for the purpose of relieving indigent widows and females, of various descriptions, from distress, and have represented the advantages that would arise from the lending or furnishing such widows and females with articles and materials to work with, and have prayed that a law may be passed, exempting certain articles and materials from being levied on and sold by execution or distrained for rent:

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all looms, spinning-wheels, and stoves, together with the appurtenances thereto belonging, or in any other manner attached: And, all wool, worsted, hemp flax and tow, to the quantity of twenty pounds weight. that shall or may be loaned or furnished by any benevolent institution or body corporate, or by any person or persons in the said city of New-York, or in this state, to any widow or female of the above description, shall be, and remain with the said widow or female, exempt from execution, and from being distrained and sold for the payment of rent, any law to the contrary thereof notwithstanding.

Certain articles loaned by any benevolent institution, &c. in New-York declared free from seizure for debt of rent.

II. *And be it further enacted*, That whenever any benevolent institution, or body corporate, or person or persons, shall lend or furnish any of the said description of widows and females with any of the articles or materials above enumerated or mentioned, it shall and may be lawful for them to take a receipt from the widow or female to whom the same is lent, specifying the said

A receipt to be taken for said goods when loaned.

article or articles, material or materials, and which shall be acknowledged by the person giving the same, before the mayor or one of the aldermen of the said city, or before a master in chancery, or one of the judges of the court of common pleas; and which said acknowledgment shall be taken without fee or reward, and shall be *prima facie* evidence in favor of the person or persons claiming the same by virtue of a loan as aforesaid.

And then to be *prima facie* evidence thereof, &c.

[*Note*.—The benevolent objects of this act are sufficiently explained in the recital.—It is perhaps to be regretted, that this provision had not been extended throughout the state.]

CHAP. CXLII.

An ACT extending the time for rebuilding the bridge across Buffalo Creek, and for other purposes.

Passed April 15, 1814.

Time for rebuilding bridge extended.

I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the time allowed to Samuel Pratt and Elijah Leech, assigners of Samuel Pratt, for rebuilding the bridge across Buffalo Creek, where the old bridge built by Samuel Pratt was erected, shall be until the first day of November, one thousand eight hundred and fifteen, any thing in the fifth section of the act authorising Samuel Pratt to erect a bridge over the Buffalo Creek to the contrary notwithstanding.

S. Pratt and E. Leech may keep a ferry in the interim.

II. *And be it further enacted*, That the said Samuel Pratt and Elijah Leech shall have the right of keeping a ferry where the said bridge was erected, until the same shall be rebuilt, and shall exact and receive the same rates of toll for ferrying as is allowed by the act authorising the building of said bridge.

[*Note*.—By an act of March 29, 1811—Sess. 34. ch. 77. Samuel Platt was authorized to build a toll-bridge over Buffalo Creek, which after eighteen years, is declared to be the property of the state—Two years was by that act allowed for the completion of the bridge—if destroyed, it was to be rebuilt in twelve months after its destruction.—That event having happened, the present act is passed for extending the time and for allowing a ferry in the interim.—The bridge in question continued the communication from the village of New-Amsterdam to the mouth of Cattaraugus Creek.]

CHAP. CXLIII.

An ACT to set off a part of the town of Brunswick, in the county of Rensselaer, and to annex the same to the town of Troy.

Passed April 15, 1814.

Part of Brunswick annexed to Troy.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next, all that part of the town of Brunswick, in the county of Rensselaer, being and lying west of a line running as follows, viz: Beginning at a point in the north line of Greenbush, directly south of the south-east corner of the lot owned and occupied

by the Troy wool and cotton factory, and running due north to the public highway leading from Troy to the white meeting-house in Greenbush; thence westerly along the north side of the said highway to the east line of the farm of Lemuel Hawley; thence, including the farm of said Hawley, and the farm of Stephen Van Rensselaer, occupied by John Bulsan, and the farm of John Bordman to the Poesten Kill; thence northerly, crossing the said kill on the line dividing the farm of John D. Dickinson, from the farm of the said Stephen Van Rensselaer, occupied by Ephraim Morgan and the farm of George Tibbits, to the north-east corner of the farm of the said George Tibbits; thence westerly along the north line of the said last mentioned farm, to the east line of the town of Troy, shall be, and hereby is annexed to the town of Troy.

[Note.—The convenience of the inhabitants of the territory in question was consulted in its annexation to the town of Troy.]

CHAP. CXLIV.

An ACT to incorporate the Rensselaer and Saratoga Insurance Company.

Passed April 15, 1814.

WHEREAS Albert Pawling and others have associated themselves as a company for the purpose of carrying on the business of insuring against loss by fire, against loss upon the inland transportation of goods, wares and merchandize, and on lives, have by their petition prayed to be incorporated: Therefore,

Recital.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Albert Pawling, Derick Lane, Elias Parmelee, Ebenezer W. Walbridge, Ira Scott, John House and their associates, and all such other persons as shall hereafter become stockholders in the said company, shall be and hereby are declared and constituted to be a body corporate and politic in fact, and in name, by the name of "The Rensselaer and Saratoga Insurance Company," and by that name, they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever: And, that they and their successors may have a common seal, and may change and alter the same at their pleasure.

Corporation created and general powers.

II. *And be it further enacted,* That the corporation hereby created, shall have full power and authority to insure all kinds of property against loss or damages by fire; to make all kinds of insurance against loss on goods and merchandize, in the course of inland transportation, whether happening on the land or on the water; and also, to make all kinds of insurance upon life or lives, or in any manner dependent on life or lives; and generally to do and perform all necessary matters and things, relating to or connected with these objects, or with either of them, and all policies

Special powers of the corporation.

shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in the like manner and with the like force as if under the seal of the corporation.

Capital stock

[The word thousand is omitted in the engrossed bill.]
When permitted to commence business.

Number of directors, &c.

III. *And be it further enacted*, That the capital stock of the said company shall be five hundred thousand dollars, to be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation when and as soon as one hundred* dollars, on account of the said capital stock, shall have been subscribed and paid for, or satisfactorily secured, to commence their said business, and with that capital to conduct and carry it on, until they shall find it expedient to extend their capital to an amount not exceeding the sum herein before authorised.

Elections how conducted.

President to be chosen.

First director.

First president.

First secretary.

Elections may be held at any day.

IV. *And be it further enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by twenty-nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others be chosen on the first Monday in March, in each and every year, at such time of the day, and in such place in the village of Troy, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in one of the newspapers printed in the village of Troy, at least ten days previous to such election; and such election shall be holden under the inspection of three stockholders, to be appointed by the directors, and shall be made by ballot by a plurality of votes of the stockholders present, allowing one vote for every share, and the stockholders not present may vote by proxy, and the votes be given by citizens of the United States, inhabiting this state.

V. *And be it further enacted*, That the directors, so to be chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year, and in case of the death, resignation, or inability to serve of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and, the first directors shall be George Tibbits, Charles Selden, John D. Dickinson, Townsend McCoun, Philip Heartt, Nathan Warren, Derick Lane, Hugh Peebles, Benjamin Smith, Alanson Douglas, Samuel Gale, Nathan Dauchy, Joseph Russell, Ebenezer Jones, Lewis Richards, Richard P. Hart, Daniel Merritt, Samuel Stewart, Ira Scott, John Cramer, John House, James Van Schoonhoven, John T. Close, Elias Parmelee, James Hickok, Shubael Gorham, Jonathan Burr, Gardner Tracy, and Ebenezer W. Walbridge, and the said George Tibbits shall be the first president, and they shall respectively hold their offices until the first Monday of March next, and till others shall be elected in their stead; and, the first secretary of the company shall be John Russell, who shall hold his office during the pleasure of a majority of the directors, at any time, in office.

VI. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on

any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

VII. *And be it further enacted,* That the stock in the said corporation shall be assignable and transferrable, according to such rules as the president and directors shall make and establish, and no stockholder indebted to the said company shall be permitted to make a transfer, or receive a dividend, until such debt be paid or secured to be paid, to the satisfaction of the president and directors.

Transfer of stock.

Dividends.

VIII. *And be it further enacted,* That the corporation hereby created, shall have power to purchase and hold such real estate as shall be requisite for its convenient accommodation, in the transaction of its business; also, to receive, take and hold, by way of mortgage or pledge, any real estate, chattels, bonds, promissory notes, bills of exchange, or other securities; and also, any stock created under the authority or laws of the United States, or of any individual state, whether the same be so mortgaged or pledged to secure the payment, or part payment of shares in the capital stock of the said corporation, or to secure the payment of any debt which may otherwise become due to it; and it shall be lawful for the said corporation, upon sales made on any judgment at law, or decree in equity to be given in their favor, and also in satisfaction of, or by way of security for, debts previously contracted in the course of their business, to purchase and take any other real estate, and hold the same until they can conveniently make sale thereof; and the said corporation shall also have power, from time to time, out of its capital stock or surplus funds, to make loans on bonds, mortgages, notes, or other securities; and also, to invest such capital stock and surplus funds, or any part of either, in any stock created, or to be created, under the authority or laws of the United States, or of either of the states, and to sell and transfer the same when the interests or exigencies of the said corporation shall require; but it shall not be lawful for the said corporation, directly or indirectly, to deal or trade in buying and selling any goods, wares, merchandize, or commodities whatsoever, nor in the buying and selling of any stock created as aforesaid, otherwise than as is herein before provided and permitted; neither shall it be lawful for the said corporation to issue or emit any notes or bills, or make any contracts for the payment of money only, except under the seal of the said corporation; and all such notes, bills and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.

Special powers of the corporation.

Restriction as to certain powers.

IX. *And be it further enacted,* That the said corporation shall not engage in any banking business, or do any other act or business than such as may be necessary to carry into effect the declared objects of this act.

Restriction as to banking.

X. *And be it further enacted,* That it shall be lawful for the directors for the time being, to call and demand from the stock-

Power to make calls on stock.

holders, respectively, all such sums of money as their respective shares amount to, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said company; always however, giving sixty days previous notice of such call and demand, in one of the newspapers to be published in the county of Rensselaer.

To appoint a secretary and other officers and servants, etc.

XI. *And be it further enacted*, That the president and directors, for the time being, shall have power and authority to appoint and employ a secretary, and such other officers, ministers and servants, as they may think proper, for the transaction of the business and concerns of the said corporation, and to allow and pay them such compensation as they shall see fit, and to vary such compensation, and to displace such officers and servants at pleasure; and also, to make and establish such bye-laws, rules and regulations, as they, or a major part of them, shall think expedient for the better management and government of the concerns, and of the officers and servants of the said corporation, so that such bye-laws, rules and regulations be not inconsistent with the constitution and laws of this state or of the United States, and to abolish or alter such bye-laws at pleasure, and to declare and make dividends of the profits accruing to the said corporation by such business as they may lawfully follow and transact among the stockholders, and at such times and in such portions as to them shall seem meet.

Dividends in case of losses regulated.

XII. *And be it further enacted*, That in case of any loss or losses, whereby the capital stock of the said corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation shall have been added to the capital.

Policies, etc. when signed by president and secretary running

XIII. *And be it further enacted*, That the president may sign any policy or contract, and cause the secretary to attest and sign the same, in such manner, as to be valid against and to bind the said corporation, without the presence of a board of directors: *Provided*, The same is done under and in conformity to a bye-law of the corporation which may have been made and ordained for that purpose.

Proviso.

Limitation of this act.

XIV. *And be it further enacted*, That the duration of the corporation created by this act, shall be twenty years, and no longer.

Declared to be a public act.

XV. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the end and purpose hereby intended and contemplated.

[*Note.*—See Appendix.]

CHAP. CXLV.

An ACT to amend an act, entitled "an act relating to the city of Schenectady," passed the 2d day of April, 1813.

Passed April 15, 1814.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That any person or persons, who

Trespasses on the non-nou. de. how publish- ed.

ther inhabitants of the said city or not, who shall cut any timber or wood on the common lands of said city, or shall transport or carry away the same, or carry away any timber or wood cut by any other person or persons, on said common lands, or shall aid or assist, or cause or procure any timber or wood to be cut on the said common lands, or transported or carried away, off, or from, the said common lands, contrary to the bye-laws and ordinances of the mayor, aldermen and commonalty of said city, passed or to be passed, for the preservation of the timber or wood on the said common lands, pursuant to the laws of this state, shall be liable to be indicted and punished as for wilful and malicious trespass committed on private property.

II. *And be it further enacted*, That from and after the first day of May next, no order shall be taken by the said corporation, to apply for any amendment or alteration in the act hereby amended to authorise the mayor, aldermen and commonalty of the said city, to sell, lease, demise, or in any way dispose of any of the common lands of the said city, other than those authorised to be sold or disposed of by the original act of incorporation of the said city, unless notice of an application to the Legislature for that purpose shall be given by the mayor of said city, for the time being, six weeks successively, and immediately before such order shall be taken, by advertisement to be inserted in one of the newspapers printed in said city, and if no newspaper be printed in said city, then in the newspaper printed by the printer of this state, and that due proof shall be made of such notices having been so published previous to leave being given to bring in any bill to comply with such application.

Sales, leases, &c. of common lands restricted, unless, etc.

III. *And be it further enacted*, That the proviso contained in the thirty-third section of the above recited and amended act, be, and the same is hereby repealed, except as to lands heretofore sold and conveyed.

A certain proviso repealed.

[*Note*.—By the 33d section of the act “relating to the city of Schenectady,” V. N. and W. v. 2. 489—the corporation of that city was authorised to convey “such of the common lands on which there shall be no timber.”—The 2d section of this act restrains the exercise of this authority unless in the manner therein mentioned.—The first section had in view two objects—*First*, to restrain the inhabitants who by the charter had a right of common in cutting wood, &c. from doing so, without permission from the corporation; and, *secondly*, to apply the 28th section of the act of April 5, 1813, V. N. & W. v. 1. 525, to trespasses on the corporate lands of Schenectady.]

CHAP. CXLVI.

An ACT for the preservation of fish in certain waters in the towns of Madison and Eaton, in the county of Madison.

Passed April 15, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall not be lawful for any person or persons to fish with nets or seines in the lake or pond lying in the town of Madison, near the Indian opening so called; or in the lakes or ponds lying in the town of Eaton, commonly

Certain fishery regulated.

Penalty.

known by the name of Leland's ponds, in the county of Madison; and every person who shall offend therein, shall forfeit and pay twenty dollars for every such offence, to be recovered before any justice of the peace, in an action of debt, together with the costs of suit, the one half of which forfeiture, when recovered, shall be for the use of the poor of the town where such offence shall be committed, and the other half for the use of the person who shall prosecute for the same.

[*Note.*—The Legislature have heretofore regulated the fishery in certain waters, vide V. N. & W. vol. 2. p. 135, 238, 285, 544.—This subject, so interesting to a great portion of the community, receives the attention it so well deserves.]

CHAP. CXLVII.

An ACT to incorporate the Homer and Cayuga Turnpike Road Company.

Passed April 15, 1814.

Corporation created and general powers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That Moses Hopkins, Eleazer May, Luther Rice, Benjamin S. Campbell, William S. Clark, David Merrick, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at Daniel Miller's, in the town of Homer, on the fourth great western turnpike road, from thence proceeding to Cortland village, near the court-house; from thence on the most eligible ground to intersect the fifth great western turnpike road, be, and they are hereby created a body corporate and politic, in fact and in name, by the name of the president, directors and company of the Homer and Cayuga turnpike road company, and by that name they shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided,* That such estate, as well real as personal, so to be purchased or held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Style.

Proviso.

Capital stock

II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall consist of one thousand shares of twenty dollars each, and that Moses Hopkins, Daniel Bradley, and David Morton, be, and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed, in and by an act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

A certain section of another act to apply to this corporation.

• III. *And be it further enacted,* That the tenth section of the act, entitled "an act to establish a turnpike corporation for improving and making a road from that point on the eastern branch of the Chenango river, where the great Western turnpike road abuts the same, to, or near the house of Benjamin James, in the town of Fabius, in the county of Onondaga," passed March 28th, 1805,

shall apply and be in force with regard to the corporation hereby created, in like manner, and to every intent and purpose, as if the said tenth section had been here inserted: *And further*, The eighth section of the act herein referred to, shall in like manner and with like effect apply to the corporation hereby created, as if the said section had likewise been herein inserted.

IV. *And be it further enacted*, That Henry Bloom, Wait Ball, and John Kingman, or any two of them, be a committee to survey and lay out the road authorised by this act, according to their best judgment and understanding, for the benefit of the public, without favor or partiality. A committee to survey and lay out road.

V. *And be it further enacted*, That the corporation hereby created, shall have and enjoy all the rights and privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted. Immunities, &c. of corporation.

[*Note*.—Add this to the *table* of turnpikes.—V. N. & W. vol. 2.]

CHAP. CXLVIII.

An ACT altering the time of holding the annual meeting of the supervisors of Madison county.

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the annual meeting of the board of supervisors of the county of Madison, shall hereafter be held on the second Monday in October, in every year, any law heretofore made in this behalf to the contrary notwithstanding. Supervisors to meet annually on 2d Monday of October.

[*Note*.—By the act of April 2, 1813. V. N. & W. vol. 2. 137, the annual meetings of the supervisors are required to be held on the *first Tuesday of October*.—This proving inconvenient, the Legislature by the present act altered the time as to Madison county.]

CHAP. CXLIX.

An ACT for the relief of John Jacob Mang.

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the superintendent of the Onondaga salt-works, and he is hereby required to lease for such term of time as he may deem proper, not exceeding the term of fourteen years, nor less than six, such portion of the public lot in the village of Salina, together with the public store-house standing on said lot, and block-house in said village, with the common portion of the out lands, as in the opi- Superintendent of salt springs to lease certain estate to J. J. Mang.

nion of said superintendent will conduce to the good of the state, to John Jacob Mang, for such annual rent as in the opinion of said superintendent will be just and reasonable, and the said superintendent shall account therefor, as for other monies coming into his hands as superintendent of the Onondaga salt springs.

[*Note.*—See *Appendix.*]

CHAP. CL.

An ACT to amend the act, entitled "an act to incorporate the American Insurance Company of the city of New-York."

Passed April 15, 1814.

Recital.

WHEREAS the said company have by petition under their seal, set forth, that an increase of their capital stock will increase the confidence and security of all persons who may become insured therein, and will in their opinion likewise promote the interest of the company, and pray, that they may be authorised to enlarge the same to an amount not exceeding one million of dollars : Therefore,

Capital enlarged to not exceeding 1,000,000 dollars.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said insurance company, to enlarge their present capital stock of two hundred and fifty thousand dollars in five thousand shares of fifty dollars each, to an amount not exceeding in the whole, one million of dollars, and to a number of shares not exceeding twenty thousand, of fifty dollars each, and that the increased number of shares, or any part thereof, may be subscribed for in such manner and at such times, as the board of directors may direct and appoint, by a bye-law or bye-laws for that purpose : *Provided*, That the said capital stock shall in manner as aforesaid, be increased without delay to an amount not less than half a million of dollars:

How to be filled.

Proviso.

Further proviso.

And provided further, That after such increase of the said capital stock, as last aforesaid, no further increase of such stock shall be made under any bye-law to be passed for that purpose, until such bye-law shall have been submitted to and approved by a majority in the interest of the stockholders of the said company.

[*Note.*—This company was incorporated, June 18, 1812—W. v. 6, 544. sess. 35. ch. 192, and the 6th section which appointed this company trustees to close and settle the concerns of the Marine Insurance Company of New-York, on its dissolution, was repealed by the act of March 12, 1813, sess. 36, ch. 56.—By the act of incorporation the stock was limited to 5000 shares at 50 dollars each.]

CHAP. CLI.

An ACT to incorporate the Monticello Turnpike Company.

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Johnston Ver Plank, Samuel F. Jones, Richard R. Vooris, David Hammond, John P. Jones, Joseph Coit, Livingston Billings, Luther Bulkley, Josiah Sandford, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in the county of Sullivan, described as follows: To commence on the Newburgh and Cochetton turnpike road, at some convenient point between the court-house in said county, and the forty-one mile-stone; from thence northerly, on the most convenient ground, so as to intersect the Orange and Ulster branch turnpike road, at some point within one mile of the west line of the town of Thompson, on either side of said line, be, and hereby are created, ordained and constituted a body corporate and politic, by the name of "the president and directors of the Monticello turnpike road company," Corporation created and general powers. and by that name, they shall and may have perpetual succession, and shall be, and hereby are made, capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the benefit of said company: *Provided,* such real estate shall not exceed four thousand dollars. Proviso.

II. *And be it further enacted,* That the said road shall be made in every respect agreeably to the directions of the act, entitled "an act relative to turnpike roads," passed 13th day of March, 1807, excepting that sleigh ditches may be omitted, and the width of the road reduced to eighteen feet. Road how to be made. Exception.

III. *And be it further enacted,* That the stock of the said company shall consist of six hundred shares, of twenty-five dollars for each share, and that Richard R. Vooris, John P. Jones, Luther Bulkley, and Samuel F. Jones, be, and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the said act: *And further,* That every person subscribing for stock in said company, his, her, or their heirs or assigns, shall be in law bound to pay the amount of such subscriptions, when thereunto required by the directors of said company, any law, usage, or custom to the contrary notwithstanding. Capital stock. Commissioners to receive subscriptions and subscribers bound to pay amount.

III. *And be it further enacted,* That the said company hereby incorporated, shall be entitled to exact, demand, and receive of and from every person travelling on or using said road, at the gate or turnpike to be erected thereon, for any number of miles, not less than ten, the following sums of money, and so in proportion for a greater or less distance: For every cart, waggon, or other wheeled carriage drawn by two horses, mules, or oxen, twelve and an half cents, except as hereafter mentioned, and six

cents for each additional horse, mule or ox; for every horse, rode, led or driven, five cents; for every cart or waggon, drawn by one horse or mule, six cents; for every wheeled pleasure carriage, drawn by one horse, twelve and an half cents; for every four wheeled pleasure carriage, drawn by two horses, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and in the same proportion if drawn by a greater or less number; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less number; for every score of sheep or hogs, eight cents; and in like proportion for a greater or less number every stage waggon, drawn by two horses, twelve and an half cents, and three cents for each additional horse: *Provided, however,* That no wheeled carriage, the tire whereof is six inches in width shall be subject to toll on the said road.

Proviso.

*Privileges
etc. of the
corporation.*

IV. *And be it further enacted,* That the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, given and granted, in and by the general act on that subject, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the above mentioned general act, excepting as is herein otherwise enacted.

[*Note.*—Add this to the table of turnpikes, V. N. & W. v. 2. page 359.]

CHAP. CLII.

An ACT authorising the Comptroller to loan money to the town of Stratford, in the county of Montgomery.

Passed April 15, 1814.

Referred.

WHEREAS the inhabitants of the town of Stratford, in the county of Montgomery, have, by their petition, requested a loan of two thousand dollars, for the purpose of improving a road in the said town, which will be conducive as well to the convenience of the public, as beneficial to the owners of the land in the said town: *And whereas,* Several of the non-resident proprietors through whose lands the said road passes, have expressed their assent to the provisions of this act:

*Comptroller
to loan 2,000
dollars.*

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the Comptroller of this state be and he hereby is authorised to loan to the town of Stratford, in the county of Montgomery, the sum of two thousand dollars, to be applied by the commissioners herein after named, to the improvement of a road leading from the meeting-house in the town of Salisbury, to the village of Johnstown, through the said town of Stratford, beginning at a point opposite to the dwelling-house of Kerley Ward, in the said town of Stratford, and following the track of the said road, as laid out by the commissioners of highways of the said town, southeasterly to the foot of the hill over which the said road passes, situate north-west of and near the late dwelling-house of Moses Hix, of the said town of Stratford, deceased.

*Provision for
repayment.*

II. *And be it further enacted,* That for the re-payment of the said sum of two thousand dollars, with lawful interest, the supervisors of the county of Montgomery, shall, at their annual meeting, on

the first Tuesday in October, yearly and every year, until the said sum of two thousand dollars, with lawful interest, shall be satisfied and paid, order and direct a tax of one cent on every acre of land in Glen, Bleecker and Lansing's patent, and in Lott and Low's patent, comprehended within the bounds of the said town of Stratford, and a tax of five mills for every acre of land in Jerseyfield patent, comprehended within the bounds of the said town of Stratford, which shall be owned by any person who is not a resident of the said town of Stratford, which said tax to be collected in the mode prescribed in and by the act, entitled "an act for the assessment and collection of taxes," and the monies arising from the said tax, the Comptroller shall retain and apply to the satisfaction and payment of the said sum of two thousand dollars, and the lawful interest thereof, from year to year, and it shall be the duty of the Comptroller, on or before the first day of September yearly, to give a certificate of the amount that shall remain due of the said sum of two thousand dollars, after deducting the interest thereon, to be transmitted to the treasurer of the county of Montgomery, to be by him laid before the supervisors of the said county at their next meeting.

Tax to be laid on certain lands

A certain certificate to be given.

III. *And be it further enacted*, That it shall and may be lawful for any of the owners of land in Glen, Bleecker and Lansing's patent, and in Lott and Low's patent, comprehended within the bounds of the said town of Stratford, in and by this act authorised to be taxed, to pay to the Comptroller of this state five cents for every acre of land he shall own in the said patents, or either of them, with lawful interest from the day on which the said two thousand dollars shall be loaned by the said Comptroller, and for any of the owners of land in Jerseyfield patent, comprehended within the bounds of the said town of Stratford, in and by this act authorised to be taxed, to pay to the said Comptroller two cents and five mills for every acre of land he shall own in the said last mentioned patent, with lawful interest from the day on which the said two thousand dollars shall be loaned by the said Comptroller, which payment shall exempt such owner or owners from the payment of the tax hereby authorised to be laid for the term of six years from the first Tuesday of October next.

Owners of certain lands to pay certain monies to the Comptroller.

And then are exempt for six years from the tax hereby laid.

IV. *And be it further enacted*, That the owners of land in the said above mentioned patents, comprehended within the bounds of the said town of Stratford, shall be exempt, for the term of six years from the first Tuesday in October next, from the payment of any taxes which may be necessary and required for the contingent expenses of the said town of Stratford, and county of Montgomery.

Such owners to be exempt from town tax for six years.

V. *And be it further enacted*, That Daniel Cady, James Lansing and Reuben Brooking, of the town of Johnstown, in the county of Montgomery, be and they are hereby appointed commissioners to apply the said money to the improving of that part of the said road herein before designated, for which services they shall respectively be allowed two dollars for every day they shall be employed, and that the said commissioners shall account to the supervisors of the county of Montgomery, for the proper appropriation of the said money, and shall enter into bond to the peo-

Commissioners appointed to apply the monies, and their compensation.

How to account.

To give
bond.

ple of this state for the true performance of their trust, in the personal sum of five thousand dollars, which bond shall be filed in the office of the clerk of the county of Montgomery.

Comptroller
to pay such
commissioners
certain
monies,

VI. *And be it further enacted*, That the Comptroller is hereby authorised to pay to the said commissioners above named, after they shall have filed such bond as aforesaid, as well the said two thousand dollars as the arrears of taxes due to the said town of Stratford from non-resident owners of land in the said town; which money shall be applied by the said commissioners to the improvement of that part of the said road herein before designated, and if there shall remain in the hands of the said commissioners a surplus of money after that part of the said road herein before designated shall have been improved and completed, then and in that case the said commissioners shall apply such surplus money to improve the said road, beginning at the dwelling-house of the said Kerley Ward, herein before named, and progressing north-westerly to the west bounds of the said town of Stratford.

Commission-
ers may alter
the road, &c.

VII. *And be it further enacted*, That the said commissioners may make alterations and deviations from the track of the said road as they may think proper and necessary for the convenience of the public.

Supervisors
to pay com-
missioners
certain mo-
nies,

VIII. *And be it further enacted*, That it shall be the duty of the supervisor of the said town of Stratford, and he is hereby required, to pay to the said commissioners above named, all the monies which he has received or which he shall receive from the treasurer of the county of Montgomery, for the arrears of taxes which are now due to the said town of Stratford, for lands owned by persons not residing in the said town, and not otherwise appropriated.

[*Note.*—This loan promotes an important object, and evinces the just sense entertained by the Legislature, of making and improving roads throughout the state.

CHAP. CLIII.

An ACT authorising Isaac Hays, Curtis Noble and Sherman Page, and their associates, to erect a dam across the Susquehannah river, in the town of Unadilla.

Passed April 15, 1814.

J. Hays, C.
Noble, S.
Page and
others, may
make a roll-
ing dam over
the Susque-
hannah.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Isaac Hays, Curtis Noble and Sherman Page, and such other persons as now are, or hereafter may be, associated with them, for the purpose of manufacturing wool and cotton goods at Unadilla, in the county of Otsego, at any time after they shall be duly incorporated for such purpose, according to the law in such case made and provided, to erect and maintain a rolling dam across the Susquehannah river, opposite and adjoining the land of Uriah Hanford, in the town of Unadilla, not exceeding two feet six inches high from the bottom of the said river, the lowest side from the ridge not to be less than twelve feet wide: *Provided*,

That nothing in this act shall be so construed as to authorise the said persons or their associates to obstruct said river so as to overflow any person's land without the consent of the owner thereof: *And provided further*, That the said persons and their associates shall so construct and keep the said dam as not to interrupt the navigation of the said river: *And provided also*, That if the erection of the said dam, within the period hereby limited, shall be found productive of inconveniences, either to the public, or persons living in the vicinity thereof, the authority hereby granted to the said Isaac Hays, Curtis Noble and Sherman Page, and such other persons as now are or hereafter may be associated with them, shall and may be revoked by the court of common pleas of the county wherein said dam is situated.

Proviso.

Further proviso.

Further proviso.

[*Note*.—Add this to the general act authorising dams, &c.—V. N. & W. v. 2, 285.]

CHAP. CLIV.

An ACT to alter the time of holding Town-Meetings in the several towns in the county of Saratoga.

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That from and after the first Tuesday of May next, the town-meetings in the several towns in the county of Saratoga shall be held on the first Tuesday in March annually; and that all such town-officers, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February, in every year, to do and transact such business as to their respective offices may appertain.

Town-meetings to be held the first Tuesday of March, annually.

[*Note*.—By the act "relative to the duties and privileges of towns," V. N. & W. vol. 2, 125, the annual town-meetings throughout the state are required to be held on the first Tuesday of April. This act provides a different day for Saratoga county, owing to the inconveniences produced by the former act.]

CHAP. CLV.

An ACT to revive an act, entitled "An Act to authorise John Harris to establish a ferry across the Cayuga Lake between the places therein mentioned," passed March 29th, 1809.

Passed April 15, 1814.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "an act authorising John Harris to establish a ferry across the Cayuga Lake between the places therein mentioned," passed March 29th, 1809, be and the same is hereby revived and in full force, and shall continue in force for the term of ten years from the passing of this act: *Provided*, That nothing in this act, or the act hereby revived:

A certain act revived for 10 years.

Proviso.

ed, shall authorise the said Harris to establish or keep any ferry across said Lake at any time when the bridge erected between the villages of East and West Cayuga is passable for carriages.

[*Note.*—The act referred to is in sess. 32, ch. 160.—That act was passed by the assent of the Cayuga bridge company, and its continuance was limited to five years. It was declared, however, by that act, that it should not prejudice any of the charter rights of the bridge company.]

CHAP. CLVI.

An ACT to amend an act to incorporate the Canajohary and Charleston turnpike road and bridge company.

Passed April 15, 1814.

Road, how far to be continued.

Time for completing it extended.

Toll to be received.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president and directors of the Canajohary and Charleston turnpike road and bridge company, shall continue their road no farther to the west than the church near the place where said road intersects the road leading on the south side of the Mohawk river; and that the time for completing the remainder of said road be extended to the first day of September, one thousand eight hundred and fifteen.

II. And be it further enacted, That the said president and directors of said company be allowed to take and receive from all descriptions of persons, using their bridge, the same toll that is allowed by the act incorporating the Fort Hunter bridge company.

[*Note.*—Add this to the table of turnpikes.—V. N. & W. vol. 2. page 339.]

CHAP. CLVII.

An ACT to authorise Thomas Attwood and Anna-Maria Attwood, respectively, to assume the surname of Bridgen.

Passed April 15, 1814.

Recital.

T. Attwood and A. M. Attwood, authorised to assume the surname of Bridgen.

WHEREAS it appears from the petition of Thomas Attwood and Anna-Maria Attwood, that the taking upon them respectively of the surname of Bridgen, will be beneficial to them: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Thomas Attwood and Anna-Maria Attwood, respectively, in all courts and places, and in all deeds, contracts, proceedings and instruments, whatsoever, to assume, use and take the surname of Bridgen, instead of Attwood; and by that surname and no other, the said Thomas Attwood and Anna-Maria Attwood, shall be called and known in law, and be respectively capable of taking, holding, buying, selling, conveying, devising or otherwise disposing of, all or any estate, real or personal, whatsoever; and by

that surname, to make and enter into, any agreement, promise, contract or engagement, in like manner as they respectively could have done by the surname of Attwood, before the passing of this law: *And further*, This act is hereby declared to be a public act to all intents and purposes.

Declared to be a public act.

[*Note.*—This act requires no remark.]

CHAP. CLVIII.

An ACT to amend an act, entitled "an Act to improve the Road from the town of Warrensburgh, in the county of Warren, to the town of Chesterfield, in the county of Essex, and for other purposes."

Passed April 15, 1814.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That Azel Abel be, and he is hereby appointed a commissioner, for the purposes mentioned in the act hereby amended, and together with the commissioners appointed in and by said act, shall superintend the opening and improving the road from the said town of Warrensburgh, in the county of Warren, to the town of Chesterfield, in the county of Essex, and from thence to the town of Plattsburgh, in the county of Clinton; and in case any vacancy shall happen by the death, neglect or refusal to serve, of any of the said commissioners, such vacancy shall be filled by the person administering the government of this state for the time being, pursuant to the provisions of the act hereby amended.

A. Abel appointed a commissioner.

Power of the commissioner.

Vacancies how filled.

II. And be it further enacted, That the treasurer shall pay, on the warrant of the comptroller, out of the first monies which shall be received into the treasury from James Caldwell, the sum of ten thousand dollars to the commissioners appointed in pursuance of this act.

10,000 dollars to be paid to the commissioners out of a certain fund.

III. And be it further enacted, That the commissioners appointed, or to be appointed in pursuance of this act, shall execute a bond to the people of this state, with three or more sufficient sureties, in the penal sum of twenty thousand dollars, conditioned to render annually to the legislature of this state, a true and faithful account of all monies to be received by such commissioners in pursuance of this act; and the commissioners shall be entitled to two dollars per day for each day they shall be necessarily employed in opening and improving said road.

Commissioners to give bond with surety.

Their compensation.

IV. And be it further enacted, That the said commissioners shall pay out of the sum granted by this act to the commissioners appointed to lay out the great northern turnpike road, or to their legal representatives, the sums due to them for their services in laying out said turnpike, and also the monies by them expended in laying out the same, together with legal interest thereon, the stockholders of the said turnpike having abandoned the same without having paid the said commissioners.

Certain monies to be paid by the commissioners.

To report
annually to
the comp-
troller.

V. *And be it further enacted*, That the commissioners above named shall annually, on the first day of January, make a detailed report to the comptroller of this state, of the monies by them actually laid out and expended in and about the making and improving the aforesaid road, together with the nature of the improvements made thereon.

To make a
certain state-
ment of mo-
nies expend-
ed, and
when.

VI. *And be it further enacted*, That the above named commissioners shall, on or before the first day of January, one thousand eight hundred and sixteen, make a statement of the monies paid by them to the commissioners appointed to lay out the great northern turnpike road aforesaid.

Certain wa-
ters declared
a highway.

VII. *And be it further enacted*, That the waters of the Scroon river, from the place where it is crossed by the southernmost line of township number forty-nine, in Totten and Crossfield's purchase, and from thence southwardly, and including the Scroon lake, to the junction of said river with the west branch of the Hudson river, is hereby declared to be a public highway; and if any person shall obstruct or injure the navigation of the waters or the passage over the same, with rafts, logs, timber or lumber, either by the erection of any dam or other works, or by falling or throwing into the same waters, any trees, logs, timber or other material, every person so offending shall forfeit the sum of twenty-five dollars, to be recovered by action of debt, with costs, in any court having cognizance thereof, by and for the use of any person who will sue for the same, and shall also be deemed guilty of a misdemeanor, and be punished accordingly by indictment: *Provided always*, That if any person who hath heretofore erected any dam or other works upon the said waters, whereby such obstructions as aforesaid is or shall be occasioned, he shall not be liable to the penalties of this section, if he shall cut a sufficient passage through his dam, or so alter or construct the same as to remove the obstructions aforesaid.

Penalty for
obstructions,
&c. therein.

How to be
recovered.

Declared also
a misdemea-
nor.
Proviso.

[*Note*—The act referred to was passed April 2, 1813, sess. 36. ch. 95. By that act, \$5000 were appropriated—this sum is now encreased to 10,000 dollars. Indeed the importance of the road in question, (its being the most direct route from Albany to Plattsburgh, and thence to Canada,) will not only be experienced by this state, but will be sensibly felt by the United States, during the war, in conveying troops, &c. to the territory of the enemy. It will also prove an useful auxiliary in the settlement of that important section of our country, and will encourage migrations thither. The country abounds in iron-ore, and the waters of Lake Champlain and its tributary streams, will aid the transportation to market of that valuable article. The shores of Schroon lake abound in pine timber—the seventh section, declaring the waters of that lake *highways*, facilitates the transportation of timber down that lake into the Hudson river, and thence to Albany and New-York.]

CHAP. CLIX.

An ACT for the relief of Smith Cogswell.

Passed April 15, 1814.

Recital.

WHEREAS Smith Cogswell, of the city of Albany, by petition, hath represented to the legislature, that he had erected and completed a factory for the manufacturing of arms in the town of

Troy, which cost him a large sum of money, and that the building, with the machinery and fixtures, were destroyed by fire on the eighth day of March last, and that he is unable to rebuild the same without legislative aid: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to loan to the said Smith Cogswell, out of any monies in the treasury not otherwise appropriated, the sum of ten thousand dollars, upon the said Smith Cogswell's securing by bond and mortgage upon real estate of double the value of the said sum, to be approved of by the comptroller, the re-payment thereof to the people of the state of New-York, on or before the first day of May, in the year one thousand eight hundred and nineteen. with interest at five per cent per annum, payable annually from and after the expiration of one year from the passing of this act: *Provided always,* That the said Smith Cogswell shall, before the payment to him of the said sum of money, give to the people of this state, in addition to the above, personal security to be approved of by the comptroller, for the appropriation of the said sum of money to the rebuilding and re-establishment of the said gun factory, according to the true intent and meaning of this act.

10,000 dollars to be loaned to S. Cogswell.

Repayment how to be secured.

Proviso.

[*Note.*—Mr. Cogswell's enterprising genius led him to form the first establishment for the manufactory of arms in this state. Its destruction loudly called for legislative interposition, and the legislature with a zeal worthy of the object, cheerfully authorized the loan, and thus rescued this infant establishment from an untimely exit.]

CHAP. CLX.

An ACT to authorise the Supervisors of the County of Allegany to raise Money by tax to improve the Lake Erie Turnpike Road.

Passed April 15, 1814.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Allegany, at their annual meeting on the first Tuesday in October next, to levy and raise by tax on the freeholders and inhabitants of the said county, the sum of one thousand two hundred and fifty dollars; and at their annual meeting on the first Tuesday of October, in the year of our Lord one thousand eight hundred and fifteen, the further sum of one thousand two hundred and fifty dollars, over and above the ordinary expenses of collecting the same; which several sums may be drawn from the treasury of said county upon the order of Philip Church, Clark Crandall and Stephen Major, who shall be and hereby are appointed commissioners for laying out and expending the same on the Lake Erie turnpike road, commencing at the west line of the county of Steuben, and terminating at the village of Angelica, in the said county of Allegany: *Provided however,* That the president and directors of the said turnpike company

2500 dollars. to be raised by tax.

To whom to be paid, and for what purpose.

Proviso.

shall permit the supervisors of the said county of Allegany, if they shall deem it expedient, to subscribe to the stock of said company, for the benefit of said county of Allegany, to the amount of the said several sums of money to be levied and raised as aforesaid.

Treasurer of
Allegany
may borrow
certain mo-
nies.

II. *And be it further enacted*, That the treasurer of said county of Allegany be, and he is hereby authorised to borrow the said several sums of money, to be repaid when the same shall be raised as aforesaid.

Comm'rs. to
give security.

III. *And be it further enacted*, That previous to the paying of said money, the said commissioners shall give to the treasurer of the said county of Allegany, sufficient security that they will faithfully expend said money, and account for the same to the supervisors of the said county of Allegany.

Their com-
pensation.

IV. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to two dollars per day for each day they may be respectively and necessarily employed in the discharge of the duties imposed upon them by this act, to be audited and paid as contingent county charges.

[*Note.*—Lake Erie turnpike company was incorporated March 23, 1805, W. v. 4, 78. Sess. 31. ch. 41. The road commences at Bath, and ends at Lake Erie, a distance of about 130 miles.]

CHAP. CLXI.

AT ACT relative to the Lottery granted to the Board of Health of the City of New-York.

Passed April 15, 1814.

Recital.

WHEREAS in and by the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed April seventh, one thousand eight hundred and six, it was enacted, that it shall and may be lawful for the board of health of the city of New-York to raise the sum of twenty-five thousand dollars by lottery, to be applied to the erection of such buildings as they shall deem necessary for the accommodation of persons sick with malignant disease: *Provided*, That no tickets shall be sold in the said lottery, until the tickets in the lotteries now authorised by law are disposed of: *And whereas*, In and by the act, entitled "an act for the payment of the officers of government, and for other purposes," passed the eleventh day of April, one thousand eight hundred and eight, the said board of health was authorised to raise the further sum of five thousand dollars for the benefit of the Orphan Assylum in the city of New-York: *And whereas*, The said board of health have commenced the sale and disposition of tickets in the above mentioned lottery, and have advertised the schema thereof, and made the necessary arrangements for drawing the said lottery, without performing the requisitions of the act, entitled "an act relative to the managers of lotteries," passed April thirteenth, one thousand eight hundred

and thirteen, under a conviction that the provisions of the said last mentioned act did not apply, nor were intended to apply, to the above mentioned and granted lottery; and doubts having been expressed on this subject by the comptroller of this state: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the board of health of the city of New-York shall and may proceed in drawing the above mentioned lottery, and in raising the sums therein provided for, and for the uses above mentioned, without being deemed subject to the requisitions of the above mentioned act, entitled "an act relative to the managers of lotteries," and the provisions of the said act are hereby declared not to be applicable to the lottery above recited, to have been granted to the said board of health of the city of New-York.

Board of health of N. York may draw a certain lottery without being subject to a certain act.

[*Note.*—See *Appendix.*]

CHAP. CLXII.

An ACT providing for an additional seal in the court of chancery, and for regulating certain fees of the sheriff of the county of Dutchess.

Passed April 15, 1814.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the chancellor may devise an additional seal for the court of chancery, to be deposited in such convenient place in the middle district as he shall from time to time direct.

An additional seal for the middle district.

II. And be it further enacted, That the mileage fees allowed by law to the sheriff of the county of Dutchess, for serving all writs and other process, shall, from and after the passing of this act, be computed from the house late of Timothy Beadle, deceased, situate in the town of Clinton, in the said county.

Mileage of sheriff of Dutchess how computed.

[*Note.*—Till the passage of this law there were *three* seals of the court of chancery.—*V. N. & W. v. 1, 487, § 2.*—The chancellor had deposited these seals at New-York, Albany and Utica. The distance between Albany and New-York made it inconvenient for practitioners in the middle district to resort to either of those places for process.]

CHAP. CLXIII.

An ACT relative to the taxing of costs in the court of chancery.

Passed April 15, 1814.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the chancellor shall, from time to time, by an order or rule of the court of chancery, de-

Taxing master to be designated.

signate the masters of the said court to tax costs therein ; and that the masters so designated, shall, during the pleasure of the said court, have the exclusive taxation of costs therein.

A certain section repealed.

II. *And be it further enacted*, That the twentieth section of the act, entitled "an act concerning the court of chancery," be and the same is hereby repealed.

[*Note.*—By the 20th section of the act referred to in the 2d section of this act the right to designate taxing masters was limited to the 18th June, 1814.—V. N. & W. v. 1, 493.—This authority was so given in a *limited* manner to the former chancellor, (Lansing) but under the present chancellor, Kent, the limitation is removed.]

CHAP. CLXIV.

An ACT to amend an act, entitled "an act to incorporate the Newburgh and Plattekill turnpike company."

Passed April 15, 1814.

Recital.

WHEREAS the president and directors of the Newburgh and Plattekill turnpike company have represented to the legislature, that a mistake has been made in their act of incorporation, in fixing the site of one of the gates on the said road ; To remedy which,

A gate may be erected at a certain place.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Newburgh and Plattekill turnpike company, and they are hereby authorised, to place a gate for the collection of toll on the said turnpike road, at or near the dwelling-house of William Wilson, in the town of Newburgh, any thing in the fifth section of the act hereby amended, to the contrary notwithstanding.

[*Note.*—This company was originally incorporated April 5, 1810, sess. 33, ch. 163. Another act was passed June 12, 1812, W. v. 6, 477.]

CHAP. CLXV.

An ACT to enable the mayor, recorder and aldermen, of the city of New-York, to raise money by tax.

Passed April 15, 1814.

101,000 dollars to be raised by tax in N. York for certain purposes.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder and aldermen, of the city of New-York, as the supervisors of the said city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be, after the passing of this act, to order and cause to be raised by tax, on the estates real and personal of the freeholders and inhabitants of, and situate within the said city, and to be collected, a sum not exceeding one hundred and one thousand dollars, to be applied to the sup-

port and maintenance of the poor of the said city and county, the support and repairs of the bridewell of the said city, the support and maintenance of criminal persons, the repairing and taking care of other public buildings in the said city, belonging to, and under the custody and care of the mayor, aldermen and commonalty, of the city of New-York, the making, regulating, repairing and improving the public streets and roads in the said city and county, the defraying of other contingent expenses arising within and properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the city of New-York, may sustain or be put to, in exercising the powers vested in them by the act passed the ninth day of April, in the year of our Lord one thousand eight hundred and thirteen, entitled "an act to reduce several laws relating particularly to the city of New-York, into one act," and for supplying the deficiencies of former taxes, upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them, or others, and fees of collection not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of, and situate within the said wards respectively, where they shall happen as aforesaid : *And also*, a further sum not exceeding seventy-nine thousand dollars by tax, on the estates real and personal of the freeholders and inhabitants of, and situate within the said city, to the southward of a line beginning at the North River, at a place called Deklyne's ferry, a little to the northward of the state-prison, and running thence easterly, in front of the new banking houses, to the road commonly called the Sandy Hill road, and through the said road to the northward of Pottersfield and the house of William Neilson, to the Bowery-road, and across the Bowery-road to a street commonly called Stuyvesant-street, and through the middle thereof to the East River, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty, of the city of New-York, in common council convened, shall appoint and employ, for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are, or hereafter may be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expenses arising in and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may, from time to time, direct, and for supplying the deficiencies of former taxes upon the same part of the same city, last described, owing to the insolvencies and fees of collectors not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of, and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

79,000 dolls.
more to be
raised by tax
in N. York
for certain
purposes.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act, enti-

How to be
assessed and
collected, and

to whom to
be paid.

tled "an act for the assessment and collection of taxes," and each person's tax in one ward shall be collected in one payment, and the monies so collected, paid into the hands of the treasurer or chamberlain of the said city, at such time after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Compensa-
tion to the
different col-
lectors for
their services

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands, three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh and tenth wards of the said city, to retain in their hands four cents on each dollar by them collected; and the collectors of the eighth and ninth wards of the said city, to retain in their hands five cents on each dollar by them collected, and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

[*Note*.—The mayor, recorder and aldermen, of New-York are by law supervisors of that city, V. N. & W. vol. 2, 399, § 150.—For other matters, see appendix.]

CHAP. CLXVI.

An ACT to authorise the Administrators of Jetur Gardiner, deceased, to convey certain lands, and to authorise the Executors of William Frits to sell and convey certain other lands.

Passed April 15, 1814.

Recital.

WHEREAS it appears from the petition of Susannah Gardiner, administratrix, and Shubael Johnson and Fletcher Gardiner, administrators of Jetur Gardiner, deceased, late of the town of Walton, in the county of Delaware, that the said Jetur Gardiner was, in his life time, seised in fee, as tenant in common, of an equal undivided half part of lots number fourteen and fifteen, in a division of lot number six, in great lot number thirty-five, in the Hardenburgh patent, which said lots each contain two hundred and fifty-eight acres, and that Obadiah Sands, as tenant in common, was seised of the other undivided half of the said lots; and that they, the said Jetur Gardiner and Obadiah Sands, by a certain obligation, bond or contract, bearing date on the tenth day of February, in the year of our Lord one thousand eight hundred and ten, contracted and bound themselves to convey the said two lots of ground to Joseph Webb, Isaac Gillet, Jacob Hathaway and Henry Jaynes, for and upon the consideration therein mentioned: *And whereas*, The said petitioners have requested that they may be empowered to fulfil the said agreement on the part of the said Jetur Gardiner, deceased: Therefore,

The adminis-
trators of J.
Gardiner to

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful

for the said Susannah Gardiner, Shubael Johnson and Fletcher Gardiner, administrators of the said Jetur Gardiner, deceased, to grant and convey to the said Joseph Webb, Isaac Gillet, Jacob Hathaway and Henry Jaynes, their heirs and assigns, all the right, interest, profits, claim and demand, which the said Jetur Gardiner had, at the time of his death, in lots number fourteen and fifteen, in a division of great lot number six, in great lot number thirty-five, in the Hardenburgh patent; and the deed or conveyance to be executed therefor by the said Susannah Gardiner, Shubael Johnson and Fletcher Gardiner, shall vest all the title, interest and estate, in the said two lots of land, which the said Jetur Gardiner had, at the time of his death, in the said Joseph Webb, Isaac Gillet, Jacob Hathaway and Henry Jaynes, their heirs and assigns, in as full and effectual a manner as if the said deed had been executed by the said Jetur Gardiner, deceased, in his life time: *Provided always*, That no deed or conveyance shall be executed by the said Susannah Gardiner, Shubael Johnson and Fletcher Gardiner, for the said two lots of land, or any part thereof, until the monies due upon the promissory notes mentioned in the said bond or obligation, as having been given by the said Joseph Webb, Isaac Gillet, Jacob Hathaway and Henry Jaynes, shall have been faithfully paid and discharged.

execute a certain conveyance.

Previg.

II. *And be it further enacted*, That the monies which shall be received by the said Susannah Gardiner, Shubael Johnson and Fletcher Gardiner, on account of and under the said agreement, shall be assets in their hands, as administrators of the said Jetur Gardiner, deceased.

Monies received declared assets.

And whereas, William Fritz, late of the town of Germantown, in the county of Columbia, in and by his last will and testament, did give and bequeath unto the heirs of his daughter Caty, deceased, his farm, lying in Kiskatom, in the county of Greene, which he directed to be disposed of at the best possible advantage, the money to be loaned on interest, and each to share equally with the other, her eldest daughter Caty with the others; and also to receive his other legacy separately and individually as they arrive to a lawful age; and by said will, the testator appointed Philip Fritz, William Fritz and William Becker, his executors: *And whereas*, The said executors have, together with Nicholas Dick, who intermarried with the said Caty Fritz, deceased, presented their petition, praying, that a law may be passed empowering the said executors to sell and convey the said farm, so devised to the heirs of the said Caty Dick: Therefore,

Recital.

III. *Be it further enacted*, That the said executors may sell and convey the farm aforesaid, and to loan the monies therefrom arising for the benefit of the heirs of the said Caty Dick, to receive and apply the money arising from such sale to the education of the said children of said Caty, according to their respective shares; and on the sale, to convey, by a good and sufficient deed, the aforesaid premises.

Executors of W. Fritz to sell a certain farm, and to loan the monies, etc.

[*Note*.—This act requires no remark.]

An ACT to authorise and empower the Rector, Wardens and Vestrymen of St. Stephens Church, in the city of New-York, to sell and convey the property therein mentioned, and for other purposes.

Passed April 15, 1814.

Recital.

WHEREAS the Rector, Wardens and Vestrymen of St. Stephen's church, in the city of New-York, are owners of the several lots of ground herein after mentioned, situate in the tenth ward of the city of New-York, which were purchased by them for the purpose of a burying ground for the use of the congregation of the said church: *And whereas*, It is represented to the Legislature that the said lots of ground have been so divided and cut up by streets and avenues, lately laid out in the city of New-York, as to have become useless for the purposes for which they were originally intended, and that it would, therefore, promote the interest of the said church, if they could be empowered to sell and convey the said several lots of ground, so that by the proceeds thereof, another piece of ground might be purchased for a burying ground: Therefore,

Rector, &c.
to sell certain
real estate.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the Rector, Wardens and Vestrymen of St. Stephen's church, in the city of New-York, to sell, alien and convey in fee simple, all or any part or parts of those certain eight lots of ground now belonging to them, situate, lying and being in the tenth ward in the city of New-York, between First-street and Second-street.

To hold
estates pro-
ducing an
annual in-
come of 6000
dollars.

II. *And be it further enacted*, That it shall and may be lawful for the said Rector, Wardens and Vestrymen of St. Stephen's church, in the city of New-York, to hold real and personal estate producing an annual income of six thousand dollars.

[*Note.*—The recital sufficiently explains the object of this act.]

CHAP. CLXVIII.

An ACT to vest certain powers in the freeholders and inhabitants of the Village of Jamaica, in the County of Queens.

Passed April 15, 1814.

A certain ter-
ritory descri-
bed and to be
called the
village of Ja-
maica.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the district of country contained within the following bounds, that is to say: Beginning at the Newtown road, so called, where it intersects the turnpike road leading from Jamaica to Brooklyn; thence north-west along the said road until it intersects the line which divides the towns of Jamaica and Flushing; thence easterly along the said division until it comes to the land of Richard Rhodes; thence about south-east along the west side of the land of the said Richard Rhodes, until it intersects the turnpike road leading from Jamaica to Hemp-

stead; thence on a direct line to a pond called Grassy Pond, in the land of Daniel Ludlum, Esquire; from thence to and along the brook leading to Simeon Smith's mill; from thence pursuing the course of the said brook until it comes to a black oak tree, marked, standing on the land of James and Amos Denton; from thence on a straight line to the house of John Williamson, including the same; from thence on a straight line to the house of William Creed, and from thence on a straight line to the place of beginning, shall continue to be known and distinguished by the name of the village of Jamaica.

II. *And be it further enacted*, That all the freeholders and inhabitants, qualified to vote at town-meetings, who may reside within the aforesaid limits, may, on the third Tuesday of May next, meet at some proper place to be appointed and notified to the inhabitants by any justice of the peace therein, at least one week previous to the said third Tuesday, and then and there proceed to choose five freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights hereafter specified, and such justice shall preside at such meeting, and declare the several persons having a majority of votes as duly elected trustees, and on every third Tuesday in May, after the first election of trustees, there shall, in like manner, be a new election of trustees of the said village, and the trustees for the time being, shall perform the several duties herein required from such justice in respect to notifying the meeting of the freeholders and inhabitants of the said village, and presiding at such election.

Trustees to be elected.

III. *And be it further enacted*, That all the freeholders residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time and forever hereafter, a body politic and corporate, in fact and in name, by the name of "the Trustees of the Village of Jamaica," and by that name they and their successors forever, shall and may have perpetual succession, and be persons in law capable of suing and being sued, and of defending in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the public use of the said village, and of erecting any public buildings for the use of the said village, and of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money, so to be raised, shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be, by the freeholders and inhabitants of the said village qualified to vote at town-meetings, chosen at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected for erecting public buildings, or making

Declared a corporation and their general powers.

Provide.

any other necessary repairs or improvements, nor purchase or sale of any real estate, no public building erected or disposed of without the consent of the freeholders and legal voters of the said village of Jamaica, or the major part thereof, in open meeting first obtained.

Power of trustees.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or a major part of them, and their successors, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as relate to public markets within the said village, relative to streets, alleys, highways of the said village, and draining, filling up, paving, keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to a town watch and lighting the streets of the said village, relative to the number of taverns or inns to be licensed in the said village, relative to restraining geese, swine or cattle of any kind, relative to the better improving their common lands, relative to the inspection of weights and measures, relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale: *Provided also*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state, or of the United States.

May ordain fines to a certain amount.

V. *And be it further enacted*, That the said trustees, or major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees, to and for the use of said corporation.

How to be recovered.

Their power as to bakers.

VI. *And be it further enacted*, That it shall be lawful for the trustees of the said village of Jamaica, or the major part of them, and their successors, to make, ordain, constitute and publish a bye-law prohibiting any baker or other, within the limits aforesaid, from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of New-York, by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees, before any justice of the peace residing in the said village or within the county of Queens, in an action of debt, with costs of suit, for the use of said corporation.

Penalty.

Assessors, treasurer and collector to be elected.

VII. *And be it further enacted*, That the freeholders and inhabitants of the said village of Jamaica, qualified to vote at town meetings, at their annual meetings in every year thereafter, to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorised and empowered to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, and one collector; and that at every such election the

person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen, and in case a vacancy shall happen by the death of any one of the assessors, the treasurer or collector, it shall be the duty of the trustees or the major part of them, within ten days thereafter, to appoint some suitable person to fill such vacancy, and the person so to be appointed, shall be vested with the like powers and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of said village, as above mentioned.

Vacancies
how filled.

VIII. *And be it further enacted*, That the trustees, treasurer, collector and assessors, shall, within ten days after every election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation before any justice of the peace in the said village, or within the county of Queens, for the faithful execution of the trust or office to which they may be severally elected.

Officers to
take an oath
of office.

IX. *And be it further enacted*, That the treasurer and collector hereafter to be elected, shall, before they enter upon the execution of their offices respectively, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Treasurer &
collector to
give also se-
curity.

X. *And be it further enacted*, That if any one of the inhabitants of the said village, qualified as aforesaid, shall hereafter be elected or chosen a trustee, or to the office of assessor, or collector, and having notice of his said election, shall refuse or neglect to take upon him the trust or office to which he be so elected, it shall and may be lawful for the trustees or the major part of them, to assess and impose upon every such person so neglecting or refusing, such reasonable fine or fines as the said trustees, or a major part of them may think fit, so as such fine for each refusal or neglect shall not exceed the sum of twenty dollars; all which said fines shall and may be recovered by action of debt before any justice of the peace in the said village, or within the county of Queens, or any court having cognizance of the same, to be recovered and received by the said trustees, to and for the use of the said corporation; that in all cases where the trustees of the village of Jamaica are authorised or required to sue or prosecute for any debts, penalties, fines or forfeitures, by virtue of this act, it shall be sufficient for the said trustees, in any suit or action to be brought for any such debt, penalty, fine or forfeiture, to declare generally that the defendant is indebted to the trustees of the village of Jamaica in the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees when thereunto required, and under such declaration to give the special matter in evidence.

Refusal to
serve in an
office, how
punished.

Fines how
recovered.

And may de-
clare gene-
rally.

And whereas, It is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of the said village to attend to its more immediate concerns: Therefore,

Recital.

XI. *Be it further enacted*, That the trustees, within ten days after their being elected, in every year hereafter, or the major part of them, shall and it is hereby made their duty, to assemble in some convenient place in the said village, and there to choose

President of
the board ap-
pointed and
his duty.

and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, receive complaints of the breach of any of the laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such bye-laws, and to do all such other acts and things as may be proper for him as president of the board of trustees to do, and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided for by the bye-laws of the said corporation.

Vacancy how supplied.

Duty of the collector.

XII. *And be it further enacted*, That the collector shall, within such time as shall hereafter be provided for by the bye-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer, and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Duty of the trustees in keeping account of disbursements, &c.

XIII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of the necessary expenses and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof, out of any monies in the treasury, and that the treasurer, collector and assessors shall be paid for their several services, such suitable compensation as the legal voters of the said corporation, or a majority of them, at their annual meeting, shall deem reasonable and proper.

Restriction as to holding real estate.

XIV. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

Trustees declared commissioners of excise.

XV. *And be it further enacted*, That the trustees of the said village hereby incorporated, shall be commissioners of excise for granting licenses to the several persons residing in the said village, and applying for the same, to keep inns and taverns, and to retail strong or spiritous liquors in the said village, and the said trustees shall have the same powers, perform the same duties, be entitled to the same fees, and be subject to the same restrictions which the commissioners of excise of the town of Jamaica are subject to, pursuant to the act, entitled "an act to lay a duty on strong liquor, and for regulating inns and taverns," passed the seventh day of April, one thousand eight hundred and one; and also that the money collected by the said trustees for granting licenses as aforesaid, their fees excepted, shall, from time to time, without delay, be paid by them to the overseers of the poor of the town of Jamaica, for the maintenance of the poor of the said town.

[*Note*.—Certain corporate powers were granted to this town as early as April 1, 1797.—K. & E. v. 2. 206—and again Seas. 33. ch. 125.—The present act gives this village the general powers of a corporation.]

CHAP. CLXIX.

An ACT to amend the act, entitled "an act relative to district attorneys, and for other purposes."

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the county of Seneca be, and is hereby annexed to the tenth district, for the purposes contemplated by the act hereby amended. Seneca annexed to the 10th district.

II. *And be it further enacted*, That the courts of common pleas and general sessions of the peace, in and for the county of Allegany, shall hereafter be holden on the fourth Tuesdays in June and October, and third Tuesday in January; and, that the May term of the courts of common pleas and general sessions of the peace in the county of Broome, shall, instead of the second, be hereafter holden on the third Tuesday in May: *Provided however*, That no process heretofore, or hereafter to be issued and returnable at the next ensuing terms of said courts shall be affected by such alteration. Courts of Common pleas and general sessions in Allegany, when to be held. May term in Broome altered. Proviso.

[*Note*.—Seneca heretofore belonged to the 11th district, V. N. & W. v. 1. 414.—The courts in Allegany were formerly held on the second Tuesdays of June and November.—V. N. & W. v. 2. 145.]

CHAP. CLXX.

An ACT to amend an act, entitled "an act to amend an act, entitled "an act to incorporate the Eastern Union Turnpike Company."

Passed April 15, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president and directors of the Eastern Union turnpike road shall have the power and right to continue a gate on that part of the said road which runs from the house of Caleb Carr, in the town of Stephentown, westerly to the Crooked Lake, in the town of Sand Lake, and receive the tolls authorised by the act hereby amended, from and after the first day of July next, until the first day of November next; and, that whenever the president and directors of the said road shall cause to be finished, according to law, two miles more of said road, to wit: From the house of the said Caleb Carr, easterly to the old Stephentown road, they shall be entitled to receive the tolls authorised in and by the act, entitled "an act to incorporate the Eastern Union turnpike company," to be received for a full toll gate of the said turnpike road, until the first day of July, one thousand eight hundred and sixteen, any thing in the said last mentioned act to the contrary notwithstanding. A gate may be continued on a certain part of the road. Toll when and how to be received.

[*Note*.—This company was incorporated March 28, 1809—Sess. 32. ch. 146.—That act was amended June 15, 1812, sess. 35. ch. 168, and again by the present act.]

CHAP. CLXXI.

An ACT for more completely carrying into effect the act, entitled "an act for regulating trials of issues, and for returning able and sufficient jurors."

Passed April 15, 1814.

Judges of the common pleas to direct the clerks of counties to give certain notices.

Duty of the town clerks.

And of the supervisors and assessors. Alphabetical list of jurors required of them.

And to be delivered to the clerk of the county.

Duty of the county clerks.

Proviso.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the judges of the courts of common pleas of the several counties of this state, or a majority of them, whenever it shall appear necessary to them, to direct the clerk of the county to give notice to the clerks of the several towns in such county, that a new return of jurors is necessary, stating in such notice the time when such return shall be made, and that it shall be the duty of the clerks of the several towns on receipt of the said notice, forthwith to serve or cause to be served, a copy thereof, on the supervisors and assessors of such town, whose duty it shall be to meet such town clerk, at such time and place as he shall appoint, and that they or a majority of them so met, shall make an alphabetical list of the names, with the places of abode, and addition of all persons residing in their respective towns, and qualified and of sufficient ability and understanding to serve on juries in the several courts mentioned in the act, entitled "an act for regulating trials of issues, and for returning able and sufficient jurors," and shall cause the said list to be delivered to the clerk of the county, by the time by him to be stated for that purpose, as aforesaid, leaving a copy thereof with the clerk of the town to be filed in his office.

II. And be it further enacted, That it shall be the duty of the clerks of the several counties in this state, on the receipt of such list of persons qualified to serve as jurors, to destroy all the ballots in the jury boxes, and to substitute new ballots made from such new lists: *Provided,* That nothing in this act contained shall be construed in any way to affect the act herein mentioned.

[*Note.*—The act of February 25, 1813, V. N. & W. v. 1. 325, which the present act amends, was in many counties omitted to be executed, so that it was with great difficulty a sufficient number of jurors could be procured to attend the different courts of justice.—The present act by giving authority to the judges of the common pleas to direct the clerks to execute the law, will place it in the power of those courts to enforce a compliance with the act of February 25, 1813.]

CHAP. CLXXII.

An ACT respecting incorporated Insurance Companies in cases of their insolvency.

Passed April 15, 1814.

Chancellor or a judge of the supreme court, or first judge of a county may institute certain process.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever it shall appear to the directors of any of the incorporated insurance companies within this state, or to the majority of them, that the stock of such company has been so far reduced by losses or otherwise, that it will

not be sufficient to pay all just demands to which such corporation may be liable, or to afford a reasonable security to those who may deal with such corporation, it shall be the duty of the president and directors of the said company, and in all cases where an execution founded upon the sentence or decree of any court of law or equity within this state, for the recovery of any sum or sums of money against such corporation as shall have remained unsatisfied and not superseded by writ of error or otherwise, for the space of sixty days after notice of the issuing of such execution shall have been given to the president, secretary, or directors of such corporation, it shall be lawful for the said company, or the creditor or creditors, at whose suit such execution shall have been issued, to apply to the chancellor, or one of the judges of the supreme court of judicature, or to the first judge of the court of common pleas of the county wherein the said corporation is established, and to represent to him the said case, and the said chancellor or judge, ten days previous notice of such application when made by a creditor being given to the said corporation, shall thereupon direct an assignment to be made under the seal of the said corporation, of all its estate and property whatsoever, in law and equity, to three such persons as he may think proper, in trust, in the first place, after deducting all reasonable charges and expenses in the premises, to pay off and satisfy the just debts of the said corporation, and all just demands to which it was liable at the time of making the said assignment, or to which it might have become liable, if such assignment had not been made by reason of any contract, matter, or thing, antecedent to the making of such assignment; or, in case the property so assigned, shall be insufficient to fully pay and satisfy all the just debts of such corporation, and all just demands against it, then and in such case to distribute and pay the said assigned property, and the proceeds thereof, unto and amongst all the creditors and persons having just demands against the said company, rateably, and in equal proportions, according to the respective amounts of their demands respectively; and, in the next place to re-assign, deliver and pay over the surplus, if any there shall be, of the said assigned property, and the proceeds thereof, unto the president and directors of such company, for the time being, for the use of the said company.

thru against
insolvent in-
surance com-
panies,

And they
may direct
an assign-
ment.

II. *And be it further enacted,* That upon the making and executing of the said assignment, such said corporation so making the same, shall be to all intents and purposes, discharged from all its debts and all claims and demands, or liability whatsoever and howsoever, in or upon or by reason of any contract, matter or thing existing at the time of making such assignment: And the creditors and persons having demands against the said corporation, shall have their remedy for their several demands under the said assignment only: And, the said president, directors and stockholders shall be in no wise liable for the same, nor in any manner responsible, except as far forth as they may have become so by violating any of the duties imposed upon them by the respective acts by which they were incorporated, or which may have been passed concerning or affecting the same, respectively: *Provided,* That it shall not be lawful for such said corporation to

Effect of
such assign-
ment.

How far the
company or
stockholders
liable for
debts.

Proviso.

make such assignment, at any time after making the same, to continue, resume, or transact any business whatsoever in its corporate capacity, or for the account of the said corporation, or the stockholders thereof, unless the surplus of the said assigned property so to be re-assigned, delivered and paid over to the said president and directors of the said corporation, for the time being, as aforesaid, shall amount, or shall be by the said stockholders or their assigns made up to, or a new stock shall be actually subscribed and paid, or satisfactorily secured, equal to the amount of one half at least of the original capital stock of the said corporation: And, that whenever and as soon as the capital stock of such said corporation shall by such re-assignment of surplus property, or from subscriptions and payments, or otherwise, be made up to at least such said amount, as above limited, and not before, it shall be lawful for such corporation to continue, resume, and transact the business which the said corporation was by its acts of incorporation, or any other act or acts authorised to transact: And, the capital stock of such corporation in such case, shall be reduced to, and thenceforth thereafter be deemed and considered to be the sum or amount to which the said capital stock shall subsequently to such aforesaid assignment, be made up as aforesaid, in like manner as if the same had originally been the capital stock of the said corporation, and the shares therein shall be reduced in the same proportion.

When corporation may resume its operations, and in what manner and how limited.

Power of the assignees in respect to debts.

Their compensation.

Duty of assignees in depositing monies, &c.

Penalty for default.

Dividends when and how to be made.

Disputes as to claims, how settled.

III. *And be it further enacted*, That the said assignees or the survivors or survivor of them, shall be entitled to sue for and recover in their own names, all debts due, owing, or coming to the said corporation at the time of such assignment, and shall be entitled to charge a commission of five per cent on all monies which shall come into their hands by virtue of the said assignment.

IV. *And be it further enacted*, That the said assignees shall, from time to time, lodge all the monies which they shall receive, as aforesaid, after deducting all reasonable charges and expenses to the credit of the said assignees, jointly, in such incorporated bank within this state, as the chancellor or judge who shall direct such assignment may think proper and shall prescribe: And, if any money shall not be so lodged, as aforesaid, or shall be improperly withdrawn from such bank, the assignee or assignees withholding or withdrawing the same shall be charged interest thereon, at the rate of twelve per cent per annum, in the settlement of their accounts.

V. *and be it further enacted*, That the said chancellor or judge shall and may direct the times at which the trust monies in the hands or power of the said assignees, shall from time to time be divided amongst those entitled to the same under such assignment: And, in case of any dispute respecting the amount thereof, or respecting any of the claims upon the said corporation, it shall be lawful for the said assignees on their part, to leave the same to arbitration, or to have such claims tried upon feigned or other issues, and to retain enough in their hands to satisfy the dividends for and upon all such claims, if they shall be finally established or allowed.

VI. And be it further enacted, That the said assignees with the consent of a majority of the directors of the said corporation, for the time being, or of their successors in office, but not otherwise, shall have full power and authority to compound for or to sell any debt or claim which they may be entitled to, by or under such assignment, and in such case shall only be liable for the net amount received by him upon such sale or composition.

Power of assignees in compounding, etc.

VII. And be it further enacted, That the said assignees shall keep fair and regular accounts of all their receipts and payments, which shall be open to the inspection of the said creditors; and also of the directors for the time being, of the said corporation, at all reasonable hours.

Required to keep true accounts, etc.

VIII. And be it further enacted, That it shall be lawful for the chancellor or judge, who directed such assignment, to remove the said assignees, or any of them, and to appoint others in their places, upon the petition of a majority of the creditors of such company, or if good cause be shewn for so doing, then and in such case, upon the petition of the directors of the said company, for the time being, or a majority of them.

Assignees how removable from office and others appointed.

IX. And be it further enacted, That in case of the death or absence from the county of the chancellor or judge, who directed such assignment, it shall be lawful for any officer who would be competent to direct such an assignment, to execute all the duties and powers which were to be executed by such deceased or absent person, as if he had been living or present: *And further,* that in case no election of directors of such corporation shall be made or take place, after the making of such assignment; and also, until a subsequent election of directors shall be made, the persons who shall be directors of the said company, at the time of making such assignment, and the survivors of them, shall continue directors thereof, to and for all the intents and purposes in that behalf contemplated by this act, and they or the major part of them, shall and may have and exercise all the powers and to perform all the duties and acts which the directors of such said corporation are by this act authorised or required to exercise, do and perform.

If chancellor or judge absent or dead who to execute his powers.

Who to be deemed directors of the corporation in case of no election.

X. And be it further enacted, That all the papers and accounts relative to such application, and the proceedings thereon shall be filed in the office of the clerk of the county wherein such company shall be established, within ten days after such assignment shall be made.

Proceedings under this act when and where to be filed.

XI. And be it further enacted, That this act shall be deemed and taken to be in all respects, a public act, and shall be favorably and benignly construed in all courts and places for the purposes intended thereby.

This act declared a public act, etc.

[Note.—See Appendix.]

Laws—S. 37.

26

An ACT to vest certain powers in the Freeholders and Inhabitants of the village of Pleasant-Valley, in Dutchess County.

Passed April 15, 1814.

Bounds of the village of Pleasant Valley.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say: Beginning at a mile-stone standing on the Dutchess turnpike road, eight miles from the court-house in the village of Poughkeepsie; thence due south sixty chains, or to the line between the lots numbers eight and nine of the Great or Lower Nine Partners patent; thence west in said line to a station ten chains from the east shore of the Great Wappinger's creek; thence southerly in a direct line ten chains to a point where the lands of Peter Flagler, Daniel Carpenter and Halstead Price, join each other; thence north seventy-five degrees west, forty chains, or to the west side of the said turnpike road; thence due north to a point bearing due west from the mile-stone aforesaid; thence due east to the said mile-stone, being the place of beginning, the above courses to be taken as the magnetic needle now points, shall continue to be known and distinguished by the name of the village of Pleasant-Valley; and the freeholders and inhabitants of the said village qualified to vote at town-meetings, and who may from time to time reside within the aforesaid limits, shall annually, on the second Tuesday in May, meet at some proper place to be appointed by the trustees, and notified to the inhabitants thereof at least one week previous thereto, and then and there proceed to choose five discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified; and the trustees shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen as trustees.

Trustees to be chosen, and when and how.

Declared to be a corporation.

Style and general powers

II. *And be it further enacted,* That the freeholders residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of "the trustees of the village of Pleasant-Valley," and by that name they and their successors forever shall and may have perpetual succession, and be persons in law capable of suing and being sued, and of defending in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said village, and of erecting any public buildings for the use of the said village, and of raising money by tax for erecting those public buildings, or of making any other necessary repairs and improvements; which money, so to be raised, shall be assessed upon the freeholders and inhabitants of the said village according to law, by

To raise money by tax, &c.

not less than three, nor more than five, judicious assessors, who shall be freeholders in the said village, to be by the freeholders and inhabitants of the said village qualified to vote at town-meetings, chosen at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for erecting public buildings, or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public buildings erected or disposed of, without the consent of the freeholders and legal voters of the said village of Pleasant-Valley, or the major part thereof, in open meeting first obtained.

Assessors,
how and
when to be
chosen.

Provided.

III. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish, such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as are relative to public markets within the said village; relative to streets, alleys, and highways, of the said village, and draining, filling up, paving, keeping in order and improving the same; relative to slaughter-houses and nuisances generally; relative to a town-watch, and lighting the streets; relative to the number of taverns or inns to be licensed in the said village; relative to restraining geese, swine, or cattle of any kind; relative to the better improving their common lands; relative to the inspection of weights and measures; relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public good government of the said village, but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, excepting the article of bread, that may be offered for sale: *Provided also*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States; and the said trustees, or the major part of them, as often as they shall make and publish any such bye-laws for the purposes aforesaid, may make and provide such reasonable fines against the offenders of such laws, as they may think proper, not exceeding twenty-five dollars for any offence, to be prosecuted and recovered before any justice of the peace, or court of record having cognizance of the same, by and for the use of the trustees of the said village of Pleasant-Valley.

Power to pass
bye laws, &c.
on what sub-
jects, and to
what extent.

Provides.

Penalties not
to exceed 25
dolla.

IV. *And be it further enacted*, That the said freeholders and inhabitants, qualified to vote as aforesaid at their annual meetings to be held for choosing trustees, or at any other meeting duly notified, are hereby authorised to choose not less than three, nor more than five, inhabitants, being freeholders, as assessors, one treasurer, one collector, and as many fire-wardens as the trustees, or a major part thereof, shall direct.

Treasurer,
collector and
fire wardens,
to be chosen.

V. *And be it further enacted*, That the treasurer, collector, assessors and fire-wardens, shall after such election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the

Who are to
take an oath
of office.

peace of the county of Dutchess, for the faithful execution of the office to which they may be severally chosen.

And treasurer and collector to give security.

VI. *And be it further enacted,* 'That the treasurer and collector hereafter to be elected, shall before they enter upon the execution of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees shall deem sufficient.

Refusing to serve as trustee, assessor or fire warden, subject to a penalty.

VII. *And be it further enacted,* That if any of the said inhabitants, qualified as aforesaid, shall hereafter be chosen trustee, or to the office of assessor, or fire-warden, and having notice of his said election, shall refuse or neglect to take upon him such office, it shall then be lawful for the trustees, or a major part of them, to impose upon every such person such reasonable fine or sum of money as they may think fit, so as such fine for each refusal or neglect shall not exceed the sum of twenty-five dollars: All which fines shall be recovered by action of debt, before any justice of the peace, or court having cognizance thereof, to be prosecuted and recovered by and to the use of the said trustees, freeholders and inhabitants of the said village of Pleasant-Valley,

How recoverable.

President of the board of trustees to be appointed.

His duties.

VIII. *And be it further enacted,* 'That the trustees, or the major part of them, within five days after their being elected, in every year hereafter, shall assemble, and appoint some one suitable person of their body to be president of the board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees; to order extraordinary meetings of the trustees whenever he may find it to the interest of the village so to do; to receive complaints of the breach of any of the bye-laws; to see that all the rules and ordinances are faithfully executed, and prosecute, in the name of the trustees, all offenders against such bye-laws; to receive and lay before the trustees the returns of the fire-wardens, and, with consent of the major part of the trustees, to appoint, under his hand, and the seal of the said village, the company of firemen; to inspect the utensils belonging to the said village for extinguishing fires, and particularly to see the engines and fire-utensils, engine-houses and all other public property, which may now or hereafter belong to said village, suitably and properly kept; and to do all such other acts and things as may be proper for him to do as president of the board of trustees.

Firemen how appointed.

Compensation of collector, treasurer and assessors.

Proviso.

Further proviso.

IX. *And be it further enacted,* 'That the collector, treasurer and assessors, shall be paid for their services such compensations as the said freeholders and inhabitants, or a majority of them, shall deem reasonable and proper; and that the firemen appointed, or to be appointed, within the said village, shall be excused from serving as jurymen: *Provided,* That the number of firemen in the said village do not exceed twenty: *And provided further,* That it shall not be lawful for the trustees of the said village to purchase or hold any real estate, not being within the limits of their corporation.

First trustees declared.

X. *And be it further enacted,* That Robert Abbot, John Bedell, Israel Dean, Hubby Adees and Joshua Ward, be and are hereby appointed the first trustees in and for the said village of Pleasant-Valley, to serve from and after the passing of this act,

until the second Tuesday of May, which will be in the year one thousand eight hundred and fifteen inclusive, or until others shall be elected in their stead.

[*Note*.—Pleasant-Valley is included in the town of Stattsburgh, in Dutchess county. Its rapid growth and promising appearance induced the passage of this act.—Add this village to the table of villages—V. N. & W. v. 2. 556, 557.]

CHAP. CLXXIV.

An ACT establishing and regulating a Ferry across Lake Champlain, in the town of Elizabethtown.

Passed April 15, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Huldah Barber, of the town of Elizabethtown, in the county of Essex, and her assigns respectively, to set up, keep and maintain, a ferry across Lake Champlain, that is to say, from the landing of the said Huldah Barber, in the town of Elizabethtown, to Ferris Bay, on the east side of the Lake, for and during the term of ten years, to be computed from the first day of September next.

H. Barber to keep a ferry across Lake Champlain,

For 10 years from first of Sept 1814.

II. *And be it further enacted*, That the said Huldah Barber and her assigns shall, if they shall set up a ferry by virtue of this act, erect a convenient dock on the landing-place, if not already erected, on that part of the land of the said Huldah Barber, in the town of Elizabethtown aforesaid, as shall be most suitable for the purpose; and shall during the term aforesaid, keep a good and sufficient ferry-boat, capable of carrying four horses, and ready at all reasonable times and seasons to transport and ferry across the said Lake, persons, goods and chattels.

Required to erect a dock, and to keep a ferry boat of a certain description.

And ready at all times, &c.

III. *And be it further enacted*, That the court of common pleas of the county of Essex, in their sessions, may and shall annually order, direct and determine, the several rates of the said ferry, and the several hours in each day that the boats of the said ferry shall be kept in readiness.

Rates of ferryage to be settled by the com. pleas of Essex, &c.

IV. *And be it further enacted*, That if the above named Huldah Barber or her assigns, or any ferryman or person employed by her or them, shall take, exact or receive, any greater or higher rates for transporting any persons, goods and chattels or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, they so offending, shall forfeit and pay for every such offence the sum of three dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

Penalty for taking more ferryage than allowed by this act.

V. *And be it further enacted*, That if any person or persons shall, after the said first day of September next, set up, keep, or maintain a ferry, or shall carry or transport any person or persons, goods or chattels, for hire or pay, across the said Lake, within one mile north, and one mile and an half south of the said dock or landing place, across the waters of Lake Champlain, other

Other persons restricted from keeping a ferry.

Penalty.

Fines.

Gen. Pless
of Essex may
declare all
rights under
this act void.

than the said Huldah Barber or her assigns, such person, for every such offence, shall forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same: *Provided always*, That nothing herein contained shall be construed to exclude any person or persons, living or inhabiting on the bank of said Lake, within the limits aforesaid, from the right of carrying their goods and chattels respectively in their own boats, without paying any rates of ferriage.

VI. *And be it further enacted*, That if it shall appear, upon sufficient evidence, to the court of common pleas of the said county of Essex, that the said Huldah Barber or her assigns shall neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge that all the privileges granted to her or her assigns under this act, who shall be so in default, shall cease and be of no effect.

[*Note.*—Privileges of a similar kind have frequently been granted by the Legislature, and especially across this Lake—*vide* sess. 28. ch. 45, 101.—Sess. 31 ch. 61. Sess. 34 ch. 127.—Sess. 35. ch. 60.—Sess. 36. ch. 43.—The Lake is here about two miles wide—The landing, at Ferrisburgh, is about five miles from Vergennes, in Vermont.]

CHAP. CLXXV.

An ACT to amend an act, entitled “an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes.”

Passed April 15, 1814.

Refusal.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, have, by their memorial represented to the legislature, that the public square, or place laid out by the commissioners appointed by the act hereby amended, by the name of the parade, is much larger than is requisite, and that if the same should be opened conformably to the map or plan made and published by the said commissioners, the expenses thereof will be enormous, and infinitely beyond the advantages which can possibly arise therefrom, and have accordingly prayed the legislature to reduce the said square: *And whereas*, The prayer of the said memorial appears reasonable and proper to be granted; Therefore,

Public
square called
the parade,
reduced, and
how, and cer-
tain streets
extended.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the public square or place designated on the said map or plan, by the name of the parade, shall be reduced and altered in the manner following, that is to say: The fourth avenue and the sixth avenue shall be extended and continued northwardly from twenty-third street through the land, which, by the said plan, was intended to form a part of the said parade, so as to meet and unite with the said fourth avenue and sixth avenue respectively at thirty-fourth-street; the street

designated on the said map or plan as thirty-first-street, shall be extended and continued eastwardly from the seventh avenue through the said land, which, by the said plan, was intended to form part of the said parade, so as to meet and unite with the said thirty-first-street at the third avenue; the streets designated on the said map or plan as thirty-second-street and thirty-third-street, shall be extended and continued eastwardly from the seventh avenue through the said land, which, by the said plan was intended to form part of the said parade, so as to meet and unite with the said thirty-second-street and thirty-third-street respectively, at the easterly side of the eastern post road; the streets designated on the said map or plan, as twenty-fourth-street, twenty-fifth-street, twenty-sixth-street, twenty-seventh-street, twenty-eighth-street, twenty-ninth-street and thirtieth-street, shall be extended eastwardly from the seventh avenue, through the said land, which, by the said plan, was intended to form part of the said parade, and shall be respectively continued in a straight line to the said sixth avenue so as aforesaid extended and continued; and the said streets designated on the said map or plan, as twenty-fourth-street, twenty-fifth-street, twenty-sixth-street, twenty-seventh-street, twenty-eighth-street, twenty-ninth-street and thirtieth-street, shall be extended westwardly from the third avenue, through the said land, which, by the said plan, was intended to form part of the said parade, and shall be respectively continued in a straight line to the said fourth avenue so as aforesaid extended and continued; and the fifth avenue shall be extended southwardly, from thirty-fourth-street, through the land, which, by the said plan, was intended to form part of the said parade, and shall be continued in a straight line to the said thirty-first-street so as aforesaid extended and continued; and instead of the boundaries to the said parade, as directed and prescribed by the said commissioners, it shall be, and hereby is, bounded northwardly by thirty-first-street, continued as aforesaid, eastwardly by the fourth avenue, continued as aforesaid, southwardly by twenty-third-street, being the present south boundary, and westwardly by the sixth avenue, continued as aforesaid.

II. *And be it further enacted*, That the several and respective owners and proprietors of the lands and tenements which shall be included in the blocks or plots of ground formed and to be formed by the extension of the several streets and avenues, which, by this act are directed to be extended as aforesaid, shall have, hold, occupy, possess and enjoy, the same, in the same manner as they would have been entitled to do if the commissioners had not included such lands and tenements in the said parade, but had laid out the said square, called the parade, in the manner in which it is reduced and designated by this act.

III. *And be it further enacted*, That the public square, or place, called the parade, and the streets and avenues which are in and by this act, directed to be extended and continued, shall be opened, and the damage and benefit estimated, assessed and paid, in the same manner as the same would have been done if the said square or place, and streets and avenues, had been laid

Certain owners included in certain blocks, to possess certain rights, &c.

Damages, &c. of opening certain streets, how estimated and assessed, &c.

out by the said commissioners, in the manner in which the said square is reduced and designated by this act.

A certain act continued in force for a limited period.

III. *And be it further enacted*, That the act, entitled "an act further to suspend the collection of the assessments therein mentioned," passed 9th April, 1813, be, and the same is hereby continued in force, until the end of the next session of the legislature; and that the report and plan relative to Canal-street, in the said city, referred to in the preamble to the said last recited act, made by certain commissioners, therein referred to, is not confirmed or approved of by this legislature.

[*Note.*—See *Appendix.*]

CHAP. CLXXVI.

An ACT relative to the Alms-House, and Bridewell, and City-Prison, in the city of New-York.

Passed April 15, 1814.

Recital.

WHEREAS the mayor, aldermen and commonalty, of the city of New-York, have, by their memorial, represented to the legislature, that they are now erecting, and have nearly completed, spacious buildings, at Bellevue, in the ninth ward of the city of New-York, one of which buildings is designated by them to be used and employed as an alms-house, and another contiguous thereto, is designated by them to be used and employed as a gaol, for the confinement of such offenders as are to be kept at labor during their imprisonment; and have prayed the legislature, for certain reasons set forth in their said memorial, to establish the said last mentioned building as one of the gaols of the said city, and to enact the herein after contained provisions relative to commitment of offenders thereto, and to the city-prison and bridewell, the prayer of which memorial appears proper to be granted:—
Therefore,

Penitentiary of N. York.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That one of the buildings now erecting by the mayor, aldermen and commonalty, of the city of New-York, at Bellevue, in the ninth ward of the said city, as shall be designated by the common council of the said city, shall be and become one of the gaols of the said city, by the name of "The Penitentiary of the city of New-York," whenever and as soon as the common council of the said city shall deem such building sufficiently finished for the safe keeping of prisoners; and the said building shall thenceforth be and continue the gaol of the said city, for the confinement and safe keeping of all persons convicted of any crime or misdemeanor, and sentenced to confinement therein, by the general sessions of the peace, in and for the city and county of New-York, or any court of oyer and terminer there; and also of all persons committed thereto by the mayor, recorder and aldermen, of the said city, or the special justices for preserving the peace in the said city, for the time being,

Who to be confined therein.

for any two of them ; and the said penitentiary shall be under the charge of the mayor, aldermen and commonalty, of the city of New-York ; and the said mayor, aldermen and commonalty, in common council convened, shall, from time to time, appoint some proper person to be keeper of the same, who shall hold his office during the pleasure of the said common council, and shall be called " the keeper of the penitentiary of the city of New-York ;" and all commitments of offenders to the said gaol shall be to " the keeper of the penitentiary of the city of New-York."

Penitentiary,
under whose
charge.
Keeper to be
appointed.

II. *And be it further enacted,* That the part of the bridewell of the city of New-York, which is now established and used as the gaol of the said city, for the confinement and safe keeping of all persons charged with, or convicted of any crime or misdemeanor, except persons sentenced to imprisonment in the state-prison, shall, after the above mentioned building at Bellevue becomes the penitentiary of the said city as aforesaid, continue to be the gaol of the said city, for the confinement and safe keeping of such persons as shall be specially committed thereto, or sentenced to confinement therein, and especially of all persons committed to prison in the said city for offences against the United States ; and the gaol last aforesaid, shall also be under the charge of the mayor, aldermen and commonalty, of the said city ; and the common council of the said city shall, from time to time, appoint some proper person to be keeper of the same, who shall hold his office during the pleasure of the said common council, and shall be called " the keeper of the city-prison of the city of New-York ;" and all commitments of offenders to the gaol last aforesaid, shall be to " the keeper of the city-prison of the city of New-York."

Gaol of the
city.

Who to be
confined
therein.

Keeper to be
appointed,
and by whom

III. *And be it further enacted,* That the keeper of the said penitentiary, and the keeper of the said city-prison, shall keep all persons committed to them respectively in the same manner and under the same penalties as the sheriffs of the other counties in the state ought by law to keep in the gaols of the respective counties, the criminals committed to them.

Keepers of
the peniten-
tiary and
gaol to re-
ceive prison-
ers, &c.

IV. *And be it further enacted,* That it shall and may be lawful for the mayor, recorder and aldermen, of the said city of New-York, and the special justices for preserving the peace in the said city, for the time being, or any two of them, to commit any person who may be deemed and adjudged a disorderly person, within the meaning of the act, entitled " an act for apprehending and punishing disorderly persons," to the above mentioned penitentiary, to be kept at hard labor, or any work or employment therein, for any period not exceeding six months.

Disorderly
persons may
be commit-
ted to the pe-
nitentiary for
six months.

There to be
kept at hard
labor.

V. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty, of the city of New-York, in common council convened, from time to time, to appoint such other officers as they may deem proper for the government of the said alms-house, bridewell and city-prison, and penitentiary, and to make and ordain such ordinances and regulations as they shall deem necessary for the better government of the said alms-house, bridewell and city-prison, and penitentiary, and the keepers, officers and servants thereof: *Provided,* Such ordinances and regu-

Common
council of N.
York may
appoint offi-
cers over the
alms-house,
bridewell and
city prison,
and regulate
the same by
ordinances,
&c.

Proviso. lations be not contrary to the law and constitution of this state or of the United States.

Superintendent of the alms-house to be appointed by the common council. VI. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty, of the city of New-York, in common council convened, from time to time, to appoint such discreet and suitable person, as they may think proper, to be superintendent of the said alms-house, with such powers and duties

To hold his office for 7 years, unless sooner removed for mal-conduct only.

as they may, from time to time, by their ordinances, regulations or bye-laws, ordain and prescribe, and to hold his office for the term of seven years, if he shall so long be of good behaviour, and removable during that period for corrupt or mal-conduct, or disability, solely, and for no other cause.

[*Note.—See Appendix.*]

CHAP. CLXXVII.

An ACT for the relief of Erastus B. and Abner Woodworth.

Passed April 15, 1814.

Recital.

WHEREAS Otis Bardin, administrator, and Olive Bardin, administratrix, together with the heirs of Thomas Bardin, of the town of Seneca and county of Ontario, deceased, have by their petition set forth to the legislature, that in the life-time of the said Thomas, deceased, he did agree with Erastus B. and Abner Woodworth, of the town of Benton, in the county aforesaid, that on the payment of a certain sum of money, he would convey unto them lot number sixty, in township number eight, in the first range of Phelps and Gorham's purchase, containing by estimation two hundred acres; and the said Thomas in his life-time did, by request of the said Erastus and Abner, execute unto Aaron Dean, a deed for one hundred and fifty acres of said lot; but, that fifty acres of said lot still remains in fee in the heirs of the said Thomas Bardin, deceased, who is unable to convey the same, agreeable to the contract aforesaid, to the great damage of the said Erastus and Abner, who are ready to fulfil their part of the contract, therefore pray legislative aid in the premises..

O. Bardin administrator of T. Bardin to fulfil a certain contract and his executing a certain conveyance.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Otis Bardin, administrator of the said Thomas Bardin, late of the town of Seneca, in the county of Ontario, deceased, to fulfil the contract made by the said Thomas in his life-time with Erastus B. and Abner Woodworth, by executing unto them, their heirs and assigns, a conveyance in fee simple, of fifty acres of land in lot number sixty, in township number eight, being the residue and remainder of said lot number sixty, not conveyed by the said Thomas in his life-time, and when so conveyed, as aforesaid, shall be as effectual both in law and equity as if the said Thomas Bardin had in his life-time done the same, any law, usage, or custom to the contrary notwithstanding.

Effect and operation thereof.

[*Note.—This act requires no remark.*]

CHAP. CLXXVIII.

An ACT for opening and making a road from or near the house of Almon Phillips, in the town of Essex, to the upper falls, near the outlet of Lake George, in the town of Ticonderoga.

Passed April 15, 1814.

I. Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That Ransom Noble, Charles Hatch and Levi Thompson, be, and they are hereby appointed commissioners for laying out, opening and improving a road from or near the dwelling-house of Almon Phillips, in the town of Essex, in the most convenient and practicable route, near the lake shore, to or near the upper falls, in the town of Ticonderoga, who shall, before they enter upon the duties of their appointment, execute a bond to the people of this state, in the sum of ten thousand dollars, with sureties, to be approved of by the comptroller, conditioned for the faithful expenditure of all the money which shall come into their hands, pursuant to this act, according to the true intent and meaning thereof, and to account with the comptroller for the expenditure whenever thereto required, which bond shall be filed in the comptroller's office.

Commissioners appointed to lay out a certain road,

and to execute bonds,

To account with comptroller.

II. And be it further enacted, That for the purpose of laying out, opening and improving of the said road, the sum of five thousand dollars be appropriated, and the commissioners of the land-office shall without delay, sell in such manner and for such price, as they may deem proper, so much of the lands belonging to the people of this state in the eastern district, as will be sufficient to satisfy the said appropriation, which when received into the treasury of this state, shall be paid on the warrant of the comptroller, to the order of the said commissioners, named in the first section of this act, or a majority of them.

5000 dollars appropriated for the purpose. Commissioners of land office to sell certain lands.

III. And be it further enacted, That the said commissioners shall be entitled to two dollars per day, and no more, for their services and expenses whilst necessarily employed in the duties of their appointment.

Compensation to commissioners under this act.

[*Note.*—This road is through a tract of country rapidly settling, and was much required for the convenience of the inhabitants.—The legislature has extended to it their fostering arm and have liberally contributed 5000 dollars to the promotion of this interesting object.]

CHAP. CLXXIX.

An ACT to authorize the sale of certain real estate whereof Anthony A. Rutgers, deceased, died seised.

Passed April 15, 1814.

WHEREAS it is represented to the legislature by the petition of Nicholas Gouverneur Rutgers, that Anthony A. Rutgers,

Real.

deceased, late of the county of Essex, in the state of New-Jersey, died seised of certain rights, lots, or tracts of land in the town of Rochester, in the county of Ulster and state of New-York; and also, of certain lots at Lansingburgh, in the county of Rensselaer, in the last mentioned state, and that he the said Anthony A. Rutgers, in and by his last will and testament, bearing date the fifth day of October, in the year of our Lord one thousand seven hundred and seventy-five, by him duly made and executed in the manner by law required to pass real estate, thereby did constitute and appoint his wife Gertrude Rutgers, Nicholas Gouverneur, Leonard Lispenard, Lewis Ogden, and Isaac Ogden, executors of his said last will and testament, directing and giving them full power and authority to sell and convey all or any part of his real estate whatsoever and wheresoever, except what is therein excepted, and the money arising from such sales to be divided among his children: *And whereas*, It is further represented, that all the said executors except Isaac Ogden have since died without selling the said rights, lots, or tracts of land, or any part thereof, and that the said Isaac Ogden is a subject of the king of the United Kingdom of Great-Britain and Ireland; that he resides at Montreal in Canada, and hath never proved the said will or taken upon himself the execution thereof, and is incapable of proving the same or acting thereon: *And whereas*, It is further represented, that all the devisees of the said Anthony A. Rutgers, deceased, excepting the said Nicholas G. Rutgers, are also deceased, and have left children, the greater part of whom are infants, under the age of twenty-one years: *And whereas*, The said petitioner by his said petition, hath prayed, that Jonathan Rhea, Esquire, of Trenton, in the state of New-Jersey, may be authorised to sell and dispose of the said lands, and dispose of the money arising from the sales thereof, agreeably to the directions of the said last will and testament of the said Anthony A. Rutgers, deceased: *And whereas*, The said request appears to be just and reasonable; therefore,

J. Rhea of New-Jersey authorised to sell and convey certain real estate of A. A. Rutgers.

I, BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Jonathan Rhea, of Trenton, in the state of New-Jersey, be, and he is hereby authorised and empowered to sell and dispose of all the lands and real estate in the counties of Ulster and Rensselaer, in this state, whereof the said Anthony A. Rutgers died seised, and which now remain unsold, and to make and execute proper conveyances therefor; to vest the same and the whole estate and interest of the said Anthony A. Rutgers therein at the time of his death, in the respective purchaser or purchasers thereof, as fully and effectually, to all intents and purposes, as the said executors might or could have done were they all now living and capable of acting therein: *And further*, That it shall be the duty of the said Jonathan Rhea, to dispose of the monies to arise and be received from the said sales, agreeably to the directions and true intent of the said last will and testament of the said Anthony A. Rutgers, deceased: *Provided*, That before the said Jonathan Rhea shall take upon himself, or proceed to the execution of the powers vested in him by virtue of this act, he shall execute to the people of

Proceeds of sale how to be disposed of.

J. Rhea to give bond.

this state, a bond or obligation, in such penalty and with such sureties as the chancellor of this state may direct or approve, with condition for the faithful performance of the trust reposed in him by this act, and shall file the said bond in the office of the register or assistant register of the said court of chancery.

II. *And be it further enacted*, That the said Jonathan Rhea, his executors or administrators, shall, within six months after the sale of the said real estate, make and exhibit under oath or affirmation to the said register or assistant register, in whose office the bond of the said Jonathan Rhea shall be filed, an accurate account of the monies arising and received from such sale or sales, to be by the said register or assistant register filed in his office for the use of the parties interested therein; and, that the said Jonathan Rhea shall be accountable for all the monies by him received by virtue of this act, and shall be entitled to such reasonable compensation for his services as the chancellor shall see fit to direct and allow.

When to be filed.

J. Rhea, his executors, &c. to exhibit an acct. in 6 months and where, &c.

Compensation to J. Rhea.

III. *And be it further enacted*, That nothing in this act shall be so construed as to affect the rights and claims of any person or persons not within the purview thereof, either in law or equity, to any of the property of the said Anthony A. Rutgers, deceased.

This act not to affect other rights.

[*Note*.—This act requires no remark.]

CHAP. CLXXX.

An ACT altering the name of the town of Jericho in the county of Chenango.

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That from and after the first day of June next, the town of Jericho, in the county of Chenango, shall be called and known by the name of Bainbridge.

The town of Bainbridge erected.

[*Note*.—The name of *Bainbridge* will be held dear by every American who loves his country and admires the heroes who defend it.—The inhabitants of Jericho have evinced much patriotism in the alteration of the name of this town.—We have now counties and towns bearing the names of Washington, Clinton, Gates, Jay, Preble, Decatur, Perry and Bainbridge, besides others in honor of our revolutionary and naval heroes.]

CHAP. CLXXXI.

An ACT for the relief of the infant heirs of Chloe Rew.

Passed April 15, 1814.

WHEREAS Ephraim Rew hath by his petition represented, *Recital*, that his wife Chloe died seised of an estate in fee, in fifty acres of land, situate in Bloomfield, in the county of Ontario, being part

of lot number thirteen, in township number ten, in the fourth range of townships in Phelps and Gorham's purchase; that the said Chloe left seven children her heirs, four of whom are of age, and have sold their rights in the said lot, and the three other children named Chloe, Lucinda and Frederick are infants, and that their interest will be promoted by a sale of their rights in the said property, and therefore, praying for authority to be granted for such purpose: Therefore;

R. Rew, L. Rew and A. Adams to sell certain estate of certain infant children.

Proviso.

Trustees may take a bond and mortgage from the purchaser. To be held in trust and to be assigned or paid when the infants arrive at full age, etc.

1. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Ephraim Rew, Lot Rew and Abner Adams, who are hereby appointed trustees for that purpose, to sell the rights of the said infant children, of the said Chloe Rew, in the said fifty-five acres of land at public or private sale, in their discretion, on the best terms they can, and to make and execute a good sufficient conveyance of such rights to the purchaser: *Provided however,* That before any conveyance shall be made under the power as aforesaid given, the said trustees shall give bond to the said infant children in the sum of six hundred dollars, conditioned for the faithful performance of the trust aforesaid, and for the just application and appropriations of the proceeds of such sale, which bond shall be executed and acknowledged before one of the judges of the court of common pleas of the county of Ontario, and filed in the office of the clerk of the said county,

11. *And be it further enacted,* That the said trustees may take a bond and mortgage from the purchaser, for such purchase money, or loan the same on good landed security, or invest the same in the purchase of real estate in the county of Ontario, which securities or lands shall be held in trust and for the benefit of the said infant children, in equal proportions, and be assigned or conveyed to them as they respectively come of age, or to their legal representatives, in case they die before they come of age, and the interest or income of such securities or estate, shall be received for and appropriated to the exclusive benefit of the said infant children in proportion to their several rights.

[*Note.*—This act requires no remark.]

CHAP. CLXXXII.

An ACT to incorporate the Merritt's Island and West-town Turnpike Company.

Passed April 15, 1814.

Corporation created and general power, etc.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That David H. Slawson, Samuel B. Cole, Peter Barnard, David Milspaugh, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the westerly end of the Merritt's island turnpike, and to run from thence on the most eligible and direct route near the West-town meeting-house to the Gosh-

ed and Minisink turnpike, to intersect the same between the house of Hugh M'Connel and Jonathan Wood, in the county of Orange, so as to promote the interest of the public and of this corporation, and their successors be and they are hereby created a body corporate and politic, by the name of "The president, directors and company of the Merritt's island and West-town turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation: *Provided*, style That such estate as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, may consist of four hundred shares, of twenty-five dollars each, and that David H. Slawson, Samuel B. Cole, Peter Barnard, David Milspaugh, be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth of March, one thousand eight hundred and seven. Capital stock.

Commissioners to receive subscriptions.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, that is to say, for every waggon drawn by two horses, mules, or oxen, twelve and an half cents, and three cents for every additional horse, mule, or ox, attached to such waggon; for every other carriage drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, attached to such cart or other carriage, three cents; for every horse and rider, six cents; for every chair, sulkey, chaise, or other pleasure carriage with one horse or mule, twelve and a half cents; for every chariot, coach or coachee, or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and so in proportion for a greater or less number of horses, mules or oxen; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such stage-waggon. Toll allowed to be received.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated, shall be five, three of whom shall be a quorum and capable of managing the business of the said company; and, that the said Directors to be chosen, and their powers and duties.

company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations contained in the said general act, passed the thirteenth of March, one thousand eight hundred and seven : *Provided however*, That the chord of the arch of the road hereby authorised to be made, shall not be less than twenty-two feet.

[*Note*.—Add this to the table of turnpikes, V. N. & W. vol. 2. page 559.]

CHAP. CLXXXIII.

An ACT declaring a certain part of the western branch of the Chenango River to be a public highway, and for other purposes.

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the western branch of the Chenango river, commonly called the Onondaga branch, from the Forks, on lot number sixty-six, in the town of Homer, in the county of Cortland, to the upper bridge on lot number forty-five, in the said town, be and the same is hereby declared to be a public highway.

Part of the Onondaga branch declared a public highway.

And whereas, A number of inhabitants of the said county have associated together, and have raised a sum of money which they have placed in the hands of a committee, for the purpose of defraying the expenses of altering certain dams across the stream hereby declared to be a public highway, so as to permit the passage of boats and arks : Therefore,

Recital.

II. *Be it further enacted*, That it shall be lawful for any one of the justices of the supreme court, and he is hereby required, on the application of any of the said committee, to appoint, under his hand and seal, three impartial and discreet freeholders, not interested in the improvement of the navigation of the said river, who, after being duly sworn before any one of the judges of the court of common pleas for the said county, which oath shall be made and filed in the clerk's office of the said county, well and faithfully to execute the trust reposed in them by this act, shall proceed to examine the several dams erected across the said stream hereby declared to be a public highway, first giving the owners of such dams respectively, at least eight days previous notice of the time and place of such examination, and the said freeholders, or the major part of them, shall, after such examination, determine and direct the manner in which such dams shall be altered respectively, so as to permit loaded boats and arks, at high water, to pass over the same without interruption : *Provided*, The same can be done without cutting down or otherwise injuring the said dams, and the said freeholders, or the major part of them, shall determine and ascertain the amount of monies to be paid to the said owners for making such alteration, and shall

A judge of the supreme court to appoint three freeholders who, after being sworn, shall examine certain dams.

The owners to have previous notice.

And then the freeholders to determine the manner of altering the dams so as to permit boats to pass, &c.

require such owners respectively, within three months after being paid or tendered the amount of such expenses, to make the said alteration so required, or if default be made therein during and for the period aforesaid, then that such alteration shall be made under the direction of the said freeholders, or a major part of them, at the proper costs and charges of the said committee, who shall also pay to each of the said freeholders the sum of two dollars per day for each and every day they or either of them may be employed in discharging the duties imposed upon them by this act.

And the amount to be paid for making the alteration.

If owners refuse to receive amounts how to proceed.

III. *And be it further enacted*, That so much of the second section of the act, entitled "an act declaring certain waters to be public highways, allowing certain dams to be built and made, and preventing obstructions in the Hudson's river, and certain other waters," passed second April, one thousand eight hundred and thirteen; as gives the penalties therein created for erecting mill-dams and weirs across the same waters, mentioned in the first section of said act, to the use of any person who will sue for the same, be and is hereby repealed; and the said penalties are hereby given to the person who may sustain damage by reason of such dams or weirs exclusively, any thing in said recited act to the contrary notwithstanding.

Penalties given by a certain section to be recovered only by the party aggrieved.

[*Note.*—This act may be deemed a supplement to the act of April 2, 1813.—V. N. & W. vol. 2. 285.—The second section appears to be a very necessary provision, and the third section by altering the mode for enforcing the penalties, will probably be better put in execution than as heretofore, by common informers.]

CHAP. CLXXXIV.

An ACT postponing the payments of principal and interest due on certain lots in the Oneida reservation.

Passed April 15, 1814.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That the payment of the principal and interest due to the people of this state, from the actual settlers on the following lots of land in the late Oneida Reservation, in the county of Madison, to wit: Lot number one, located to John Woolever; lot number two, located to John Schuyler; lot number six, located to Sylvanus Seeber; lot number seven, located to William Seeber, and lot number one, located to John Van Eps Wemple, be and the same is hereby postponed until the first day of April next ensuing.

Payment of certain principal and interest postponed to 1st April, 1815.

II. *And be it further enacted*, That the interest due on the first day of March, one thousand eight hundred and fourteen, from the actual settlers on the following lots in the north-west part of the Oneida Reservation, be and the same is hereby remitted, to wit: On lot number fifty, fifty-one, fifty-two, fifty-four, fifty-six, fifty-seven, fifty-eight, and the payment of the principal due on said lots, is hereby suspended for four years from the first day of March aforesaid: And it shall be the duty of the Survey-

Certain interest remitted.

And payment of principal suspended for 4 yrs.

or-General to receive the necessary proof of the actual residence of the settlers aforesaid, and cause the same to be entered on the treasurers books accordingly.

[*Note.*—By sess. 23. c. 126, the Surveyor-General was authorised to receive proposals from the persons mentioned in the first section of this act, for the purchase of any lands or lots in the late Oneida reservation, not to exceed 250 acres to any one person. By sess. 25. ch. 36, the Surveyor-General was directed to execute deeds for the lands for the sums reported to the Legislature, payable within 8 years, with 6 per cent interest.—This having been done, the present act postponed the payment, &c.—The monies due to the state, referred to in the second section of the present act, grew out of the sales made under the general act relative to the land-office. *Vide V.N. & W. v. 2. 292.]*

CHAP. CLXXXV.

An ACT to amend an act, entitled "an act to provide for building a court house and gaol in the county of Essex, and for other purposes," passed May 26, 1812.

Passed April 15, 1814.

Supervisors
of Essex to
raise certain
monies.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the supervisors of the county of Essex, be and they are hereby directed and empowered, at their next succeeding annual meeting, to raise and levy on the freeholders and inhabitants of said county, such sum of money as in their opinion will, together with the sum of two thousand five hundred dollars already authorised to be raised, be sufficient for the purpose of finishing the court-house and gaol in said county, with the addition of five cents on each dollar for collecting the same, and one cent on each dollar for the county treasurer's fees, which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges are raised, levied and collected: *Provided,* The sum so raised shall not exceed two thousand dollars.

Provided.

Supervisors
to appropriate
certain
other monies.

II. *And be it further enacted,* That the supervisors aforesaid have liberty to appropriate any monies in the treasury of the said county, not otherwise appropriated, to the purpose of finishing the said court-house and gaol, and to draw on the treasurer of the said county for the same.

To pay the
monies to M.
Miller, D.
Delance and
T. Ross.

III. *And be it further enacted,* That the treasurer of the said county be and he is hereby directed to pay the said monies, when collected, or appropriated by the supervisors as aforesaid, from time to time, to the order of Manoah Miller, Delavan Delance and Theodorus Ross, or any two of them, and the said Manoah, Delavan and Theodorus shall, at the annual meetings of the supervisors of said county, account with them for the expenditure of the said monies.

Who are to
account for
the same.

Supervisors
of Delaware
may appoint
commissioners
to build
a gaol and

IV. *And be it further enacted,* That the board of supervisors of the county of Delaware, may, at their next or any subsequent meeting, if they shall deem it expedient, appoint three commissioners with authority to erect a new gaol and fire-proof clerk's

office, on or near the public square in the village of Delhi, in said county, and that they draw from time to time on the treasurer of said county, for the purpose of erecting the same, for any sum or sums of money not exceeding two thousand five hundred dollars in the whole, and that the board of supervisors make provision for that purpose, in the same manner as for the other contingent charges of said county, and that the said commissioners shall, whenever required, account with the said board for the expenditure of all the monies so to be drawn.

fire proof clerk's office.

And the commissioners may draw certain monies.

[*Note.*—The court-house of Essex county, is in Elizabethtown, and was left in an unfinished condition.—The court-house of Delaware, is in Delhi.]

CHAP. CLXXXVI.

An ACT to continue in force an act, entitled “an act relative to the Pilots of the port of New-York.”

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the act, entitled “an act relative to the pilots of the port of New-York,” passed the tenth April, one thousand eight hundred and thirteen, be and the same is hereby revived and continued in force for the period of one year from and after the time, limited in said act.

A certain act revived and continued in force for one year.

[*Note.*—The act continued in force, is in V. N. & W. vol. 2. 461—Its continuance was limited to one year.]

CHAP. CLXXXVII.

An ACT to incorporate the New-York Patent Oil Company.

Passed April 15, 1814.

WHEREAS Samuel S. Edmonston, John R. Murray, William Ogden and William Swan, have associated themselves together for the purpose of pressing and straining oils, and separating fluids from solids, by means of a new and useful machine, and improvements thereto, of which the said Samuel S. Edmonston and John Cunningham were the original inventors and patentees, and for the improvements thereon Samuel S. Edmonston has also taken a patent: And whereas, They, the said Samuel S. Edmonston, John R. Murray, William Ogden and William Swan, have presented a petition to the Legislature, setting forth the importance of such an establishment, and praying that an act of incorporation may be passed, whereby they may be enabled, the more fully, to carry into operation the said undertaking: Therefore,

Resol.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Samuel S. Edmonston, John R. Murray, William Ogden and William Swan, shall be and hereby are ordained, constituted and declared to be, until the first day of May, which will be in the year of our Lord one thousand

Corporation created and general power.

Style.

eight hundred and twenty-eight, a body corporate and politic, in fact and in name, by the name of "The New-York Patent Oil Company," and by that name they and their successors and assigns, until that time, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, causes and things whatsoever, and that they and their successors and assigns, may have a common seal, and make, change and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal for the use of the said corporation: *Provided*, That the estate so to be holden shall be such only as shall be requisite to promote and attain the object of said corporation, such as shall have been mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: *And provided further*, That the said company shall not be concerned in banking operations by discounting notes, or issuing notes commonly called bank notes.

Proviso.

Further proviso.

Capital stock

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, which shall be subscribed for and advanced, from time to time, by and among them the said parties above named, in such manner and upon such conditions as they have heretofore agreed or hereafter shall agree upon.

Stock how to be managed and conducted.

Annual meeting of stockholders and their power by law.

III. *And be it further enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by them the said parties, their successors and assigns, in such manner as the bye-laws of the said corporation shall direct; and that there shall be a meeting of the stockholders of the said corporation on the first Wednesday of June in each year, for the purpose of making, ordaining and establishing such bye-laws, rules, ordinances and regulations as they shall, by a majority of votes, think proper to adopt, not repugnant to the constitution and laws of the United States, or of this state, as to them shall appear needful and proper, touching and concerning the management and disposition of the business, estate and effects of the said corporation, the appointment of a president, and all such other matters as relate or appertain to the concerns of the said corporation.

Transfer of stock.

IV. *And be it further enacted*, That no transfer of stock shall be valid for any purpose, until such transfer shall be entered in the book or books to be kept for that purpose by the said corporation.

Debts due at the dissolution of the corporation chargeable to the individuals in their private capacity to the

V. *And be it further enacted*, That for all debts which shall be due and owing by the said corporation, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities to the extent of their respective shares and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corpora-

tion, and that nothing in this act contained shall be construed to authorize or empower the said corporation to use their funds, or any part thereof, in any banking institution or transaction, or in the purchase of any public stock, or any other business or employment than such as may be necessary and proper for carrying into effect the declared objects of this act.

extent of
their shares.
Restriction
as to banking

VI. *And be it further enacted*, That all contracts and engagements entered into for and on account of the said corporation, and signed by their president, shall be binding on the said corporation in like manner as any contract would be, if made and entered into by an individual.

Contracts
signed by the
president
binding.

VII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

Declared to
be a public
act.

[*Note.*—See *Appendix.*]

CHAP. CLXXXVIII.

An ACT for the relief of the heirs of James Simpson, deceased, and for the relief of the heirs of Joel Baldwin, deceased.

Passed April 15, 1814.

WHEREAS, it is represented to the Legislature by all the heirs of James Simpson, late of the town of Clinton, in the county of Dutchess, that he died seized of part of lot number five, in the sub-division of lot number two, in the second division of the patent of the Great Nine Partners, situate, lying and being in the town of Clinton, and county of Dutchess aforesaid, that a partition of the same would be productive of great inconvenience and of injury to their interests; that the same consists principally of wood-land, lying for the most part upon a public highway, and exposed in a peculiar manner to depredation and injury, and that a sale of the whole together may be effected on terms more advantageous than if the same were divided or sold in separate parcels: *And whereas*, The heirs of the said James Simpson, who are infants, under the age of twenty-one years, by their guardians, together with the heirs of the said James Simpson, who are of full age, have prayed that a law may be passed for the sale of the whole of the said tract or parcel of land together: Therefore,

Recital.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Jonathan Jackson, Bernard I. Swartwout, Simeon Simmons and Abner Lawton, be and they are hereby appointed trustees, with full power to them, or any three of them, to grant, bargain and sell for the highest price and upon the best terms in their power to obtain, that part of lot number five, in the sub-division of lot number two, in the second division of the patent of the Great Nine Partners, whereof the said James Simpson died seized, and that they or any three of them, may execute good and sufficient deeds and conveyances in the law, to the purchaser or purchasers thereof.

J. Jackson,
B. I. Swartwout,
S. Simmons and A.
Lawton, au-
thorised to
sell & convey
certain estate.

How to dis-
pose of and
distribute the
proceeds of
sale.

II. *And be it further enacted*, That the said trustees shall pay to the children and heirs of the said James Simpson, deceased, as shall have arrived at the age of twenty-one years, their heirs and assigns, the respective portions of the proceeds of such sale as soon as the same shall have been by them received, after deducting their reasonable costs and charges; and the said trustees shall cause the remainder of the said proceeds to be placed at interest, upon good and sufficient security, and shall apply the interest and income thereof to the support and education of the minor children of the said James Simpson, in equal proportions, and when as the said minor children shall respectively arrive at the age of twenty-one years, the said trustees shall pay to the said children in equal proportions, share and share alike, the principal sums which they may be entitled to receive as their respective proportions of the proceeds of the said sale, together with the interest thereof, which it may not have been necessary to apply to their support and education during their minority.

To execute a
bond for the
faithful dis-
charge of
their trust.

III. *And be it further enacted*, That the said trustees, before they enter upon the execution of the said trust, shall execute a bond to the people of this state, with such surety or sureties, and in such sums as the Chancellor of this state shall direct, conditioned for the due and faithful discharge of the said trust, which bond shall be filed in the office of the register of the court of chancery, in the city of Albany, for the benefit and use of the said heirs of the said James Simpson, deceased.

Vacancies
how filled.

IV. *And be it further enacted*, That in case the said trustees or any of them, shall die before the said trust shall be executed, it shall be lawful for the Chancellor to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

Recital.

And whereas, Joel Baldwin, late of the town of Meredith, in the county of Delaware, died seised of a certain lot of land situated in said town, containing about forty acres, leaving three infant children, to wit: Laura, Anna and Hannah, his heirs at law: *and whereas*, Since the death of the said Joel Baldwin, Cyrenus Stilson, of said Meredith, has been appointed guardian of the said infant children: *And whereas*, The said Joel Baldwin, in his lifetime, made a contract with one Truman Stilson, for the purchase of about twenty-four acres of land, situate in Meredith aforesaid, and paid a part of the consideration money for the same. *And whereas*, the whole of the consideration money for the said last mentioned piece of land, has since been paid by the administrators of the said Joel Baldwin, deceased, and the said Truman Stilson has, by deed, conveyed the said lot of land to the said Cyrenus Stilson, in trust for the said infant children: *And whereas*, The dower of Esther, late the widow of the said Joel, but now the wife of Elijah Brownson, has been duly admeasured: *And whereas*, It appears that the sale of the said estate, so belonging to the said infants, would be beneficial to their interests: Therefore,

C. Stilson;
authorized to
convey cer-
tain estate
and to loan
certain mon-
ies, &c.

V. *Be it further enacted*, That it shall be lawful for the said Cyrenus Stilson, to sell and convey all the right and title of the said infant children in and to the said two pieces or lots of land, and to loan the monies arising from such sale on good security, in

trust for the said infant children, and to apply the interest thereof to their maintenance and education during their minority.

[*Note*.—This act requires no remark.]

CHAP. CLXXXIX.

An ACT for taking a Census of the Electors and Inhabitants of this State.

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the supervisors of the city of Hudson, the assessors and clerk thereof, the mayor, aldermen and common council convened, of the cities of New-York, Albany and Schenectady respectively, and the supervisors, assessors and clerks of every town in this state, shall, on or before the first day of June next, appoint such and so many discreet and proper persons, as they may deem necessary, to take the census of the electors in the said city of Hudson, each of the said towns, and the several wards of each of the said cities of New-York, Albany and Schenectady, respectively; and for that purpose, the secretary of this state shall, without delay, cause blank returns to be printed, in the forms of the schedules provided by the act, entitled "an act for taking a census in this state," passed the third day of March, one thousand seven hundred and ninety-five, and shall, on or before the first day of May next, cause to be delivered to the clerk of the city and county of New-York, ten copies of the said returns, according to the first of said schedules, and to the clerk of the city and county of Albany, twenty of such schedules, and to each of the treasurers of the counties in this state, three times as many of the said blank returns, according to the second of the said schedules, as there are cities and towns in their counties respectively; and also, at the same time, deliver to each of the persons aforesaid, to whom the said blank returns shall be delivered, a like number of copies of this act, and it is hereby made the duty of the said treasurers respectively, to deliver, on or before the third day of May next, to the clerks of each of the towns in their county, and to the clerks of the cities of Hudson and Schenectady, the said returns, and copies of this act, provided as aforesaid, for such towns and cities.

Census to be taken, and when and by whom taken.

II. *And be it further enacted,* That the persons so to be appointed as aforesaid, shall, without delay, take the number of all the electors residing in the said cities, towns or wards, for which they shall respectively be appointed, and enter the same in their returns, to be delivered as aforesaid, in manner following, that is to say: For the said city of Hudson, the wards of the city of Schenectady, and the several towns of this state, in the first column, the name of the head of each family; in the second column, the whole number of male inhabitants in the same family, if any, who are above the age of twenty-one years, and are possessed of freeholds within this state, of the value of two hun-

Number of Electors to be taken, and in what manner.

dred and fifty dollars, over and above all debts charged thereon ; in the third column, the whole number of male inhabitants in the same family, if any, who are above the age of twenty-one years, and are possessed of freeholds in the county of their residence, of the value of fifty dollars ; in the fourth column, the number of male inhabitants in the same family, if any, not possessed of freeholds in the same county, and above the age of twenty-one years, who rent tenements of the yearly value of five dollars ; but no person shall be numbered in the said third column who has been numbered in the said second column, nor any person numbered in the said fourth column who has been numbered in either of the said second or third columns ; and for the said city of New-York, the returns of the said census shall, in respect to the four first columns, be taken in like manner as aforesaid ; and in the fifth column shall be inserted the number of male inhabitants in the same family, if any, who were freemen of the city of New-York, on the fourteenth day of October, one thousand seven hundred and seventy-five ; and for the said city of Albany, the like proceedings shall be had in respect to the four first columns, and in the fifth column shall be entered the number of male inhabitants in the same family, if any, who were freemen of the same on the twentieth day of April, one thousand seven hundred and seventy-seven ; and no person shall be numbered in the said fifth column who has been numbered in either of the other columns ; and the returns so made out, as aforesaid, shall be certified by the person taking the same, to be true, according to his best knowledge and belief, and subscribed and sworn to, before any justice of the peace, who shall certify such attestation ; and such person shall, on or before the first day of December next, cause the returns, by him made out as aforesaid, to be delivered in manner following, that is to say : For the said cities of Hudson, Schenectady, Albany and New-York, to the clerks of the said cities respectively, and for the said towns, to the respective clerks thereof, which clerks of the said cities of Hudson, Schenectady and Albany, and the said towns, shall cause such returns to be delivered without delay to the treasurers of the counties respectively in which such cities or towns are situated, who shall, on or before the first day of February next, enclose such returns, and under seal, and by some one member of the legislature, for the time being, or other safe person, transmit the same to the secretary of this state ; and the clerk of the said city of New-York shall, within the like period, enclose and cause to be delivered to the secretary, as aforesaid, the said returns for said city.

Returns to be sworn to, and where to be delivered.

To be transmitted to the secretary of state.

Persons taking the census may administer certain oaths.

III. *And be it further enacted*, That the persons so appointed to take the said census, shall be and hereby are respectively authorised to administer an oath to, and examine any person, touching the premises, to enable them to execute the duties enjoined ; and if any person shall, whether upon oath or otherwise, give to any such person appointed to take the said census, false information, either as to number or qualification of any persons as electors, or any other matter necessary for enabling them to execute the duties hereby enjoined, such person so offending, shall forfeit the sum of twenty-five dollars, to be recovered with costs of suit,

before any justice of the peace, to the use and benefit of any person who shall prosecute therefor; and if any of the said persons whose duty it shall be to appoint proper persons to take the said census, or any of the persons so appointed, or any county treasurer, or any other person, on whom any duty is imposed by this act, shall refuse or neglect to perform the duty enjoined upon them respectively, every such person so offending shall forfeit and pay to the people of this state, the sum of one hundred and fifty dollars, to be recovered by the attorney-general, with costs of suit, by action of debt or information, in any court of record having cognizance thereof.

Penalty for certain offences.

IV. *And be it further enacted*, That the accounts of the persons taking the said census, shall be audited by the supervisors of the county, and thereupon be assessed, collected and paid, as part of the contingent expenses of the same county; and if it shall be necessary in any case to transmit to the secretary of this state the said returns by special messenger, such messenger shall be allowed at and after the rate of eighteen cents per mile for his travel, going only, to the secretary, to be paid by the treasurer of the state, upon the certificate of the secretary thereof.

Accounts for taking census, how to be audited and paid.

V. *And be it further enacted*, That the secretary of this state shall, without delay, after receiving the said returns, make and report to the legislature, a general account of the electors of the state, in manner prescribed by the eighth section of the said recited act.

Secretary of state to make report to the legislature.

VI. *And be it further enacted*, That the persons respectively who shall be appointed to take the said census of electors, under and in pursuance of this act, shall also, at the same time, take the number of all the inhabitants (Indians not taxed excepted) residing in the respective cities, wards and towns of this state, wherein such census of electors shall be taken, and shall enter the same in their returns, to be delivered as aforesaid; distinguishing in such enumeration and returns, free persons, including those bound to service for a term of years, from all others; and distinguishing also, the sexes of free persons, and the free males, and free females, respectively, under the age of eighteen years; and those of the age of eighteen years, and under forty-five years; and those of the said age of forty-five years and upwards: And for those purposes, the secretary of this state shall cause proper additional columns to be made to the blank returns which he is directed by the first section of this act to cause to be printed in the form of schedules, and to be distributed and delivered as prescribed by the said section, one of which additional columns to be headed as follows: "Free white males under eighteen years of age," and to contain the whole number of such free white males in each family; and one other of the said additional columns to be headed as follows: "Free white males of the age of eighteen years, and under forty-five years," and to contain the whole number of such free white males in each family; and one other of the said additional columns to be headed as follows: "Free white males of the age of forty-five years and upwards," and to contain the whole number of such free white males in each family; and one other of the said additional columns to be headed

Number of inhabitants to be taken, and in what manner.

Duty of secretary of state.

ed as follows: "Free white females under eighteen years of age," and to contain the whole number of such free white females in each family; and one other of the said additional columns to be headed as follows: "Free white females of the age of eighteen years, and under forty-five years," and to contain the whole number of such white free females in each family; and one other of the said additional columns to be headed as follows: "Free white females of the age of forty-five years and upwards," and to contain the whole number of such free white females in each family; and one other of the said additional columns to be headed as follows: "All other free persons," and to contain the whole number of such other free persons in each family; and one other of the said additional columns shall be headed with the word, "Slaves," and shall contain the whole number of slaves residing within such cities, wards and towns respectively.

Where persons deemed to reside, and where to be enumerated.

VII. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the said first day of June next, shall be returned as of such family; and the name of every person who shall be an inhabitant of any such city, ward or town, but without a settled place of residence, shall be inserted in the column of the aforesaid schedules, which is allotted for the heads of families, in that division where he or she shall be on the said first day of June next; and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the state.

[*Note*—The 5th article of the constitution (*vide* V. N. & W. vol. 1, 35) requires a census to be taken once in every seven years.—The first census under the constitution was in 1790, under the act of February 18, 1790, by which it appeared, that the population of this state was 238,897 souls.—The second census was in 1795, under the act of March 3, 1795, when the whole number of *electors* appeared to be 64,017, (the number of *souls* do not appear from the returns in the secretary's office)—The third census was in 1801, under the act of April 7, 1801, when the whole number of *electors* appeared to be 85,977.—The fourth and last census was in 1807, under the act of April 3, 1807, when the whole number of *electors* appeared to be 120,365.—It is not necessary here to notice the different census taken under the constitution of the United States, as these are not connected with the subjects of legislation here.]

CHAP. CXC.

An ACT to incorporate the Caaterskill Turnpike Company, and for other purposes.

Passed April 15, 1814.

Corporation created and general powers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Joseph Klein, Isaac Duboise, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, commencing at or near the houses of Peter Fero or Elias Dutcher, in the town of Cairo, from thence to take the best and most convenient route, on the south side of the hill called the round top, to Joseph Klein's factory on the Caaterskill, and thence to extend, and terminating at or near the house of Henry Race, on the Little Delaware turn-

pike road, in the town of Catskill, so as to promote the interest of the public and this corporation, shall be and hereby are created a body politic and corporate, by the name of "the Caaterskill turnpike company," and they are hereby constituted and declared, a body politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also, that they are hereby made capable in law of purchasing and conveying any estate, real or personal: *Provided*, Such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

Style.

Provide.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall not consist of more than four hundred shares, of twenty-five dollars each; and that Joseph Klein, Isaac Duboise and Teunis Van Vechten, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Capital stock

Commissioners to receive subscriptions

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, the following rates of toll, to wit: For every cart or waggon, drawn by two horses, mules or oxen, twelve and one half cents; and three cents for every additional horse, mule or ox, attached to such waggon or cart; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; and six cents for each additional horse; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and one half cents; for every waggon or cart, drawn by one horse, eight cents; for every horse and rider, six and one quarter cents; for every horse driven or led, three cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents; and so in proportion for a greater or less number; for every score of horses, cattle or mules, twelve and one half cents; and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents; and so in proportion for any greater or less number.

Toll to be received.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in said act: *Provided however*, The chord of the arch of the road hereby authorised to be made, shall not be less than twenty feet.

Immunities, &c. of the corporation.

Provide.

Directors to
be chosen.

V. *And be it further enacted*, That it shall be lawful for the stockholders of said company to elect five directors, three of whom shall be a quorum, to transact the business of the said company, any law to the contrary notwithstanding.

No bridges to
be built at
certain places
without
legislative
consent.

VI. *And be it further enacted*, That no bridge shall hereafter be built over the Catskill creek, between the draw-bridge in the village of Catskill and the fording place, near the house of Jacob Wetsel, nor any bridge over the Caaterskill from its junction with the Catskill, to within five rods of the first bend of the creek, below Joseph Klein's falls, without the permission of the Legislature.

Recital.

Whereas, a mistake has been made in the name of the corporation, constituted by an act, entitled "an act to incorporate the Newtown and Bushwick road turnpike company," in order to rectify the same—Therefore,

Style of a
certain other
corporation
declared.

VII. *Be it further enacted*, That the name and style of the said corporation, constituted by the said act, shall be "the president and directors of the Newtown and Bushwick road turnpike company," any thing in the said act to the contrary notwithstanding.

[*Note*.—Add this to the table of turnpikes, V. N. & W. v. 2. page 359.

CHAP. CXCI.

An ACT for the relief of Sally G. Carley, administratrix, and John Brewster and Silas Bradford, administrators, and the heirs of William W. Carley, deceased.

Passed April 15, 1814.

Recital.

WHEREAS Sally G. Carley, administratrix, and John Brewster and Silas Bradford, administrators of the estate of William W. Carley, deceased, have by their petition to the Legislature set forth, that the said William W. Carley died intestate, leaving two infant children, and seised of four several lots of land in the town of Blenheim: that the buildings are in a state of decay, and the whole subject to an annual rent: that the present estate is insufficient to discharge the debts of the deceased, and the income and profits arising from the portion belonging to his heirs is altogether insufficient for the maintenance and education of his said infant children, praying they may be authorised to dispose of the said lots of land for the purpose of paying the debts of the said William W. Carley, deceased, and educating and supporting the said infant children: Therefore,

S. G. Carley,
J. Brewster
and S. Bradford
for the certain
estate.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Sally G. Carley, John Brewster and Silas Bradford, be and they are hereby appointed trustees, with full powers to them to grant, bargain and sell, the equal and undivided rights of the infant heirs of the said William W. Carley, of, in and to, the four separate lots of land aforesaid, and that they may execute good and sufficient deeds and conveyances in law for the same, to the purchasers thereof.

II. *And be it further enacted*, That the said trustees shall appropriate the monies so arising from the sale of the said lots, to the discharging the debts of the said William W. Carley, if any shall exist, after they shall have been certified by the chancellor of this state as due from the estate of the said William W. Carley; and the remainder of the monies arising from the sale of the said lots, after all reasonable charges are paid, shall by the said trustees be applied towards the raising and educating of the said children. Monies how to be appropriated.

III. *And be it further enacted*, That the said trustees, before they enter on the execution of the said trust, shall execute a bond to the said infant heirs, with two sureties to be approved by the surrogate of the county of Schoharie, in such sum as the said surrogate shall direct, conditioned for the true and faithful performance of the said trust, which bond shall be filed in the office of the said surrogate, for the use of the said heirs. Trustees to give bond.

IV. *And be it further enacted*, That in case the said trustees, or any of them, shall refuse to act, or die before the execution of the said trust shall be completed, then it shall be lawful for the chancellor of this state to appoint and fill such vacancy or vacancies, by appointment under his hand, who shall in all respects conform to the directions of this act. Vacancies how filled.

[*Note.*—This act requires no remark.]

CHAP. CXCH.

An ACT for the better establishment of Common Schools.

Passed April 15, 1814.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That there shall be constituted an officer within this state, known and distinguished as the superintendent of common schools; who shall be appointed by the council of appointment, and shall keep his office at the seat of government of this state; and be allowed an annual salary of four hundred dollars, payable in the same manner as is provided for other officers, by the act, entitled “an act for the support of government.” Superintendent to be appointed.

II. *And be it further enacted*, That it shall be the duty of the superintendent aforesaid, to digest and prepare plans for the improvement and management of the common school fund, and for the better organization of common schools; to prepare and report estimates and expenditures of the school monies; to superintend the collection thereof; to apportion the monies to be distributed for the support of common schools; to execute such services relative to the sale of the lands which now are, or hereafter may be, appropriated, as a permanent fund for the support of common schools, as may be by law required of him; to give information to the Legislature respecting all matters referred to him by either branch thereof, or which shall appertain to his office; and generally to perform all such services, relative to the welfare of com- His duty.

mon schools, as he shall be directed to perform; and shall, prior to his entering on the duties of his office, take an oath or affirmation for the diligent and faithful execution of his trust.

Distribution
of school
money.

III. *And be it further enacted*, That out of the monies arising from the interest of the fund for the support of common schools, the sum of fifty thousand dollars shall continue to be annually distributed among the several counties of this state, for the support and encouragement of common schools therein, until the interest of the said fund shall amount to ten thousand dollars, over and above the sum of fifty thousand dollars: and whenever, and as often as the interest of the said fund shall hereafter amount to ten thousand dollars, over and above the sum then last before distributed, the sum of ten thousand dollars shall be added to the sum then last before distributed, and the whole amount be thereafter distributed as aforesaid; which said sum or sums of money so to be distributed, as aforesaid, shall be apportioned by the superintendent of common schools in the manner herein after directed, and be paid on the warrant of the comptroller on the first day of February, in each and every year hereafter, to the treasurers of the several counties aforesaid, entitled thereto, according to the apportionment thereof, to be made as aforesaid, and certified to the comptroller by the superintendent of common schools, aforesaid.

How paid.

Duty of
treasurers
of counties.

IV. *And be it further enacted*, That it shall be the duty of the treasurer of each county to apply for and receive all such monies as shall from time to time be apportioned to his county, as soon as may be after the same shall become payable as aforesaid; and, on receiving such monies, it shall be the duty of such treasurer, to obtain from the clerk of the board of supervisors of his county the apportionment thereof, to be made by such clerk among the several towns of his county, as is hereinafter directed, and to give notice in writing as soon thereafter as may be to the commissioners of common schools, or some one of them, of each town in such county, of the amount of such monies apportioned as aforesaid, to such town, and to hold the same subject to the order of the commissioners aforesaid, of such town; and, in case the commissioners aforesaid, of any such town, shall not apply for and receive such monies, so to be apportioned to their town as aforesaid, before the monies next thereafter payable to such county as aforesaid shall be received by such treasurer, such monies, so remaining with such treasurer, shall be added to the monies next thereafter to be received by him as aforesaid, and be apportioned and paid together with such monies among the several towns of his county as aforesaid; and, for receiving all such monies, and paying the same as aforesaid, such treasurer shall be entitled to the same compensation, as is provided by law, for receiving and paying other monies which shall come into his hands, and shall account for all such monies, and be under like penalties and forfeitures for default therein as is provided by law, for, or in respect to other sums of money received by him.

To give notice to commissioners of common schools.

Apportionment of school monies by the superintendent.

V. *And be it further enacted*, That immediately after the passing of this act, it shall be the duty of the superintendent of common schools, to apportion the said sum of money, to be distributed

ted as aforesaid, among the several counties of this state in the ratio of the population of such counties, as the same shall be ascertained by the latest census, whether of the United States or of this state, and to give notice thereof in writing, to each of the clerks of such counties, setting forth the amount of money apportioned to his county and the time the same shall be payable; and whenever, and as often as the amount of monies to be distributed as aforesaid, shall hereafter be increased as aforesaid, it shall be the further duty of the superintendent, to make a new apportionment of such monies among the several counties of this state in the ratio of the population of such counties, as the same shall be ascertained by the then last census, whether of the United States or of this state, and to give notice thereof in writing as aforesaid, at least nine months before the monies so to be distributed shall be payable.

VI. And be it further enacted, That whenever the clerk of any county shall receive notice of the apportionment of monies, to be distributed as aforesaid, he shall forthwith deliver, or transmit the same to the clerk of the board of supervisors of such county, retaining a copy thereof and filing the same in his office; and it shall be the duty of the clerk of the board of supervisors of such county, immediately on receiving such notice, or as soon thereafter as may be, to apportion the amount of monies specified in such notice, among the several towns of such county, in the ratio of the population of such towns as the same shall be ascertained by the then latest census, whether of the United States or of this state, and shall exhibit and lay the said notice so to be received by him, together with the apportionment so to be made by him as aforesaid, before the supervisors of such county, at their next meeting thereafter; and, it shall be the duty of the supervisors of such county, at such meeting, and at every annual meeting thereafter, to add to the sum or sums to be raised or levied on each of the said towns for defraying the necessary expenses thereof, a sum, equal to the sum which shall be last apportioned as aforesaid, to such town, with the addition thereto of five cents on a dollar of said sum for collection fees, and to cause the same to be collected within the same time, and in the same manner as the other sums to be raised and levied on such towns, are by law to be collected, and to cause and require the collector of such town, by their warrant to him, to pay the same when collected, retaining his fees for collection, to the commissioners of common schools in such town, or to any or either of them, whose receipt therefor shall be good and sufficient evidence of such payment: *Provided,* That if there shall be no commissioners of common schools in such town at the time such monies shall be collected as aforesaid, it shall be the duty of the collector of such town to pay the same when collected, into the hands of the county treasurer, to be by him added to and distributed with the monies next thereafter to be received and distributed by him in pursuance of this act.

VII And be it further enacted, That in every case in which the freeholders and inhabitants of any town at their annual town-meeting, shall by a vote of said meeting, agree to raise a sum for the support of common schools, not exceeding three times the amount required by this act to be raised on such town, then and in such

case it shall and may be lawful for the board of supervisors of the county in which such town is situate, to direct the sum so voted, to be raised by such town, to be levied and collected of the inhabitants of the same, in the same manner that other town charges are levied and collected.

Duty of town collector.

VIII. *And be it further enacted*, That the collector of such town shall account for the monies so to be collected by him, and paid as aforesaid, in the same manner, and in case of his default in collecting, paying or accounting for the same, he shall be liable to the same penalties and course of procedure as is provided by law for, or in respect to the collection or payment of other sums of money to be raised or levied on such town, for defraying the necessary expenses thereof as aforesaid; and the supervisors of such county shall severally be liable to the same penalties for refusal or neglect to perform any duty required of them by this act, as is provided for refusal or neglect to perform other duties in and by the tenth section of the act, entitled "an act for defraying the public and necessary charges in the respective counties of this state, and for other purposes."

Town meetings to choose commissioners, &c.

IX. *And be it further enacted*, That the freeholders and inhabitants of each and every town in this state, who are or shall be qualified by law to vote at town-meetings, shall annually, at their annual town-meeting, or at any special town-meeting for that purpose to be called, choose three of the inhabitants of their town, being freeholders, to be commissioners of common schools in such town; also, a suitable number of persons, not exceeding six, being inhabitants of such town, who, together with the commissioners aforesaid, shall be inspectors of common schools in such town; which said commissioners and inspectors shall be chosen by ballot; and shall hold their respective offices for one year, and until others shall be chosen in their places; and in case any of the said officers so chosen, or to be chosen, as aforesaid, in any such town, shall refuse to serve, or die, or remove out of the town, or become incapable of serving, before the next annual town-meeting, the vacancy consequent thereon, shall be supplied in the same manner as is provided for supplying similar vacancies in other town officers, in and by the act, entitled "an act relative to the duties and privileges of towns;" and each of the officers so to be chosen or appointed to supply such vacancy as aforesaid, shall hold his office in the same manner as if he had been elected to the same office by the freeholders and inhabitants of such town at their annual town-meeting.

Oath of commissioners, etc.

X. *And be it further enacted*, That each of the said officers, so to be chosen or appointed as aforesaid, shall, before he enters upon the execution of his office, and within fifteen days after his election or appointment, as aforesaid, take and subscribe an oath before some justice of the peace, in the form following, that is to say, "I do solemnly and sincerely promise and swear, (or affirm, as the case may be,) that I will, in all things to the best of my knowledge and ability, well and truly execute the trust reposed in me as commissioner, (or inspector as the case may be,) of common schools, for (here insert the name of the town and county,) without favor or partiality." And every justice of the peace before whom such oath shall be taken and sub-

scribed as aforesaid, shall, without fee or reward, certify under the same in writing, the day and year when the same oath shall be taken, and subscribe his name thereto, and then deliver such writing to the person taking such oath, who shall within eight days thereafter, transmit or deliver the same to the clerk of the town, for which such officer, so taking such oath, was elected or appointed; and if any such officer so chosen or appointed as aforesaid, shall not take and subscribe such oath as aforesaid, and transmit or deliver the same as aforesaid, within the time for that purpose limited, as aforesaid, such neglect shall be deemed a refusal to serve in such office; and if any person so chosen or appointed to such office as aforesaid, shall refuse to serve in such office, or shall serve therein before he shall have taken and subscribed such oath as aforesaid, then and in every such case, such person shall forfeit and pay the sum of ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction thereof, by action of debt, the one moiety thereof to the use of the common schools of the town for which such officer was chosen or appointed as aforesaid, and the other moiety thereof with costs of suit, to the use of any person who shall prosecute for the same to effect.

XI. *And be it further enacted*, That it shall be the duty of the commissioners of common schools, or the major part of them, to divide their respective towns into a suitable and convenient number of school districts, and to alter and regulate the same, as hereinafter provided; and wherever it may be convenient and necessary to form a district out of two or more adjoining towns, it shall and may be lawful for the commissioners aforesaid, or the major part of them, from each of such adjoining towns, to form such district, and to alter and regulate the same as aforesaid; and wherever it has been usual, or shall hereafter be found convenient and proper for any neighborhood, or part of any town adjoining to any other state, to send their children to a school in such adjoining state, it shall be lawful for the commissioners of common schools in such town, or the major part of them, to set off such neighborhood or part of such town by itself, for the purpose aforesaid; and to alter and regulate the same as aforesaid: And, it shall be the further duty of the commissioners of common schools aforesaid, immediately after the formation or alteration of any school district in their respective towns, to describe and number the same, and to deliver the description and number thereof in writing, to the clerk of the town, who is hereby required to receive and record the same in the town records, without fee or reward; and where a district shall be formed out of two or more adjoining towns, or the same shall be altered as aforesaid, a description and number thereof shall be made and delivered as aforesaid, by the commissioners of common schools for the town in which the school-house of such district shall be situated: *Provided*, That after the expiration of the present year no district shall be altered by the commissioners aforesaid, before the tenth day of April, or after the tenth day of June, in each year, except in cases where the trustees of the district or districts to be altered, shall assent to such alteration.

Duty of commissioners in forming districts.

Compensation of commissioners.

XII. And be it further enacted, That the commissioners aforesaid, shall be allowed the same compensation for each day employed by them in so forming, altering, or regulating school districts as aforesaid, as is allowed by law to the commissioners of highways, in and by the act to regulate highways; and such compensation shall be paid, and the accounts therefor audited and settled in the same manner as is provided by law for or in respect to the compensation of other town officers: And further, that the accounts of such commissioners for all monies to be received by them, under and by virtue of this act, shall annually be audited and settled by the board appointed by law to audit and settle accounts of the overseers of the poor in the respective towns; and the accounts of such commissioners shall be audited and settled in the same manner as the accounts of such overseers of the poor are to be by law audited and settled.

Commissioner to give notice of district formed.

XIII. And be it further enacted, That whenever any school district shall be formed in any town by the commissioners of common schools as aforesaid, it shall be the duty of one of the said commissioners within twenty days thereafter, to make a notice in writing, describing such district and appointing a time and place for the first district meeting; and to deliver such notice in writing to some one of the freeholders or inhabitants liable to pay taxes, residing in such district, whose duty it shall be to notify each freeholder, or inhabitant residing in such district, liable to pay taxes as aforesaid, by reading such notice in the hearing of each such freeholder or inhabitant, or in case of his absence from home, by leaving a copy thereof, or of so much thereof as relates to the time and place of meeting, at the place his abode, at least six days before the time of such meeting; and if any such freeholder or inhabitant shall neglect or refuse to give such notice, he shall forfeit and pay the sum of five dollars, to be recovered with costs of suit before any justice of the peace having cognizance thereof, by action of debt, the one moiety thereof to the use of the common schools of the town where such district shall be situated, to be paid to the commissioners of such schools, and the other moiety thereof, with costs of suit, to the use of any person who shall prosecute for the same to effect; and in case such notice shall not be given as aforesaid, or the freeholders and inhabitants of such district, when so notified, shall neglect or refuse to assemble, or form a district meeting, in pursuance of such notice, or in case any district having been formed or organized, in pursuance of such notice, shall, in the opinion of the commissioners aforesaid, be dissolved by adjournment without day, or from any other cause whatever, it shall and may be lawful for the commissioners aforesaid, or any of them, at any time hereafter, to renew such notice, which notice being so renewed, shall be delivered to some one of the said freeholders or inhabitants of such district, in manner aforesaid, whose duty it shall be to serve the same in manner aforesaid, on pain of the like penalty and forfeiture for neglect thereof, to be recovered in like manner and for the like uses, as aforesaid; and the freeholders or inhabitants of such district, liable to pay taxes as aforesaid, shall assemble together in pursuance of such notice, and when so assembled in district meeting, it shall and may be lawful for them or a majority of such of

Further notice to be given.

Power of district meetings.

them as shall be present at such district meeting, to adjourn to any other time or place, and at such first, or any future legal district meeting, it shall and may be lawful for them, or a majority of such of them as shall be present as aforesaid, to appoint a moderator for the time being; to adjourn from time to time, as occasion may require; to fix on a time and place for holding their future annual meetings, which annual meetings they are hereby authorised and required to hold; to choose one district clerk to keep the records, and proceedings of such meeting, who shall be qualified by oath or affirmation in the same manner as town clerks by law are qualified, which oath or affirmation, shall be kept on file in the office of said district clerk; also, three trustees to manage the concerns of such district, and one district collector; also, to designate a site for their school-house; to vote a tax on the resident inhabitants of such district, as they or a majority of such of them as shall be present as aforesaid, shall deem sufficient to purchase a suitable site for their school-house, and to build, keep in repair, and furnish such school-house with necessary fuel and appendages; also, to empower and instruct their trustees as to the collection of monies due for instruction, and the exoneration of poor and indigent persons from the payment thereof, as is hereinafter provided; and, to repeal, alter, regulate, and modify all such proceedings or any part thereof, from time to time, as occasion may require: *Provided however*, No alteration as to the site of a school-house shall take place, but by consent of at least two commissioners of the town: And it shall and may be lawful for the trustees of such district, or a majority of them, whenever they shall deem it necessary, to call a special meeting of the said freeholders and inhabitants of such district, notice thereof being given as herein after provided; and no district meeting, held as aforesaid, shall be taken or deemed illegal for defect or want of due notice to any of the said freeholders or inhabitants of such district: *Further Provided*, The omission to give such notice be not wilful and designed.

XIV. *And be it further enacted*, That if any person not liable to pay taxes as aforesaid, shall vote in any district meeting, for granting of taxes, for choice of officers, or for any other matters contemplated by this act, such person so offending, and being thereof convicted before any court having cognizance thereof, shall be fined in a sum not exceeding ten dollars, nor less than five dollars, at the discretion of the court, and shall pay all costs and charges of prosecution, and the fine, when collected, shall be paid to the trustees of the district in which such vote shall have been given, for the use of the common school in such district.

XV. *And be it further enacted*, That the clerk, trustees and collector of each school district, shall hold their respective offices until the annual meeting of such district, next following the time of their appointment, and until others shall be appointed in their places: And in case such offices, or any of them, shall be vacated by the death, refusal to serve, removal out of the district, or incapacity of any such officer; and such vacancy shall not be supplied by the district at a special or other district meeting, within one month thereafter, it shall and may be lawful for the

Penalty for
refusal to
serve.

commissioners of common schools for the town in which such district shall be situated, to supply such vacancy by the appointment of any person residing in such district; and such appointment shall have the same effect, to all intents and purposes, as if the same had been made by the district, at any legal district meeting. And every person who shall be duly chosen or appointed as aforesaid, to serve in any such office, and shall refuse to serve therein, shall forfeit and pay the sum of five dollars, to be recovered with costs of suit, by action of debt, in the name of the commissioners of common schools for the town in which such person shall reside, or in the name of any other person, before any justice of the peace having cognizance thereof; and such sum, when so recovered, shall be paid to the commissioners aforesaid, for the use of the common schools in such town: And every person, who being duly chosen or appointed as aforesaid, to serve in any such office, and having accepted thereof, or not declared his refusal to accept, shall neglect the performance of the duties of such office, shall forfeit and pay the sum of ten dollars, to be recovered with costs of suit in manner aforesaid, and for the use aforesaid.

District clerk
his duty, &c.

XVI. *And be it further enacted*, That it shall be the duty of the clerk of each school district, to keep the records and proceedings of his district, in a book to be provided for that purpose, and whenever a special district meeting shall be called by the trustees of such district, it shall be the duty of such clerk to give notice of the time and place of such special district meeting to each of the freeholders and inhabitants of such district liable to pay taxes as aforesaid, at least five days before such meeting shall be held: And in case any such freeholder or inhabitant shall be absent from home, such notice to him shall be left in writing at the place of his abode: And when any district meeting shall be adjourned for a longer time than one month, it shall be the duty of the clerk of such district to put up a notice in writing, of the time and place of such adjourned meeting, in at least four of the most public places of such district, at least five days before the time appointed for such meeting: And it shall be the further duty of such clerk to give notice in like manner of every annual meeting to be held in such district: And it shall be the further duty of such district clerk to keep and preserve all records, books, writings and papers belonging to his office, and on the expiration of his time of service, to deliver the same to his successor in office, in the same manner as the town clerk is required by law to deliver all records, books and papers, belonging to his office, to his successor in office.

District collector, his
powers and
duty,

XVII. *And be it further enacted*, That the collector in each school district, shall have the same power and authority, and have the same fees for collecting, and be subject to the same rules, regulations and duties, as respects the business of the district, which by law appertaineth to the collectors of towns in this state.

Duty of trustees of districts in rating tax, &c.

XVIII. *And be it further enacted*, That it shall be the duty of the trustees of each school district, whenever a district meeting shall have voted a district tax, or as soon thereafter as may be,

County of ss. To collector of the
district, in the town of in the county aforesaid.

Greeting: In the name of the people of the state of New-York,
you are hereby required and commanded to collect from each of
the inhabitants of said district, the several sums of money written
opposite to the name of each of said inhabitants, in the annexed
tax list, and within thirty days after receiving this warrant, to
pay the amount of the monies by you collected, into the hands of
the trustees of said district, or some one of them, and take their
or his receipt therefor. And if any one or more of said inhabi-
tants shall neglect or refuse to pay the sum, you are hereby fur-
ther commanded to levy on the goods and chattels of each delin-
quent, and make sale thereof according to law. Given under our
hands and seals, this day of 181

[L.S.] } Trustees.
[L.S.] }
[L.S.] }

XIX. *And be it further enacted,* That it shall be the duty of the trustees of each school district, whenever a district meeting shall have voted a tax for that purpose, to purchase a suitable site for their school-house, and to build, keep in repair, and furnish such school-house with necessary fuel and appendages. And it shall be the further duty of the trustees aforesaid, to agree with and employ all teachers to be employed in such district: *Provided,* That no teachers shall be employed by them, who shall not have received the certificate of approbation from the inspectors of schools, as is herein after provided: And it shall be the further duty of the trustees aforesaid, to pay the wages of such teachers, out of the monies which shall come into their hands from the commissioners of common schools aforesaid, so far as such monies shall be sufficient for that purpose; and the residue of the wages of such teachers shall be collected by the trustees of such district, unless such teachers shall agree to collect the same, from all such persons as shall be liable therefor respectively. And it shall and may be lawful for the trustees of such district, when thereunto authorised and empowered by any legal meeting of such district, or a majority of such meeting, to exonerate from the payment of the wages of such teachers, or the residue aforesaid, of such wages, all such poor persons within their district as

Further duty of trustees.

LAWS OF NEW-YORK,

they shall think proper; and to collect the whole of the said wages, or the whole of the residue thereof aforesaid, from all such other persons, as shall not be so exonerated therefrom, and shall be liable therefor as aforesaid. And it shall and may be lawful for the trustees aforesaid, when thereunto authorised and empowered as aforesaid, to ascertain and settle as often as they shall think proper, by examination of the returns or school lists of their teacher, by him for that purpose to be kept, and certified on oath, before any justice of the peace, to be just and true, the number of days for which each such person, not so exonerated as aforesaid, shall be liable to pay for instruction, and the amount payable by each such person according to such liability; and to make out a rate bill, which shall contain the name of each such person liable to pay for instruction as aforesaid, and not so exonerated therefrom as aforesaid, together with the amount payable by each such person, according to such liability; and to annex to such rate bill, a warrant, in the same manner and form as is provided in the last preceding section of this act, in cases of rate bills or tax lists, therein mentioned; and to deliver such rate bill, with such warrant thereunto annexed, to the collector of such district, who shall execute the same in the same manner as is provided for other warrants to be directed and delivered to him; and it shall be the further duty of the trustees aforesaid, whenever they shall exonerate any person or persons from the payment of any wages by virtue of the aforesaid powers, to certify their proceedings therein, and deliver such certificate to the clerk of such district, to be kept on file in his office.

Trustees to
make a re-
port to com-
missioners.

XX. And be it further enacted, That it shall be the duty of the trustees of each school district aforesaid, annually, on or before the first day of April in each year, to make and transmit to the commissioners of common schools for the town in which such district shall be situated, a report, specifying the length of time a school has been kept in such district, the amount of monies received by them, the manner in which the same hath been expended by them, and, as nearly as may be, the number of children taught in such district, and the number of children residing in such district, between the ages of five and fifteen years inclusive, except Indian children otherwise provided for by law. And where a school district shall be formed out of two or more adjoining towns, it shall be the duty of the trustees of such district to make such report as aforesaid, to the commissioners of common schools for the town in which the school-house of such district shall be situated: And further, to make an additional report of the number of children between the ages aforesaid, for every part of such district which shall lie in a different town from any other part of such district, and to transmit the same to the commissioners of schools for the town in which such part of such district shall lie; and where any neighbourhood or part of any town, adjoining to any other state, shall be set off by the commissioners of schools, for the purpose of sending their children to school in such adjoining state, it shall be lawful for the freeholders and inhabitants of such neighbourhood, or part of such town, annually to meet together, and to choose one trustee; whose duty it shall

THIRTY-SEVENTH SESSION.

to make and transmit a like report to the commissioners of such town, specifying the number of children, between the ages aforesaid, residing in such neighbourhood, or part of such town.

* XXI. *And be it further enacted*, That it shall be the duty of the commissioners of common schools for each town, to apply for and receive from the treasurer of their county, all monies which shall be apportioned and payable to their town, as soon as may be after the same shall be so apportioned and payable as aforesaid. And it shall be the duty of the commissioners aforesaid to apportion all monies which shall come into their hands for the use of common schools, as soon as may be after such monies shall be received by them, among the several school districts and parts of school districts lying within their town, which shall have substantially complied with the provisions of this act, according to the number of children between the ages of five and fifteen as aforesaid, living in each such district, and in each such parts of districts as the same shall appear from the last report of the trustees to be made as aforesaid; and where a neighbourhood or part of any town adjoining to any other state, shall be set off by itself as aforesaid, and shall have complied with the provisions of this act, by electing one trustee, and making the report as herein before required, such neighbourhood or part of such town shall be entitled to its share of the monies aforesaid, according to the number of children between the ages aforesaid, living in such neighbourhood or part of such town, as the same shall appear from the report of the trustee of such neighbourhood, to be made as aforesaid. And all monies so to be apportioned by the commissioners as aforesaid, shall be paid by them according to such apportionment, to the trustees, or some or one of them, of the district to which such monies shall be apportioned as aforesaid, whose receipt therefor shall be good and sufficient evidence of such payment; which monies so to be received by the trustees as aforesaid, shall be applied and expended by them in paying the wages of the teachers to be employed by them, and for no other purpose: *Provided*, That no monies apportioned as aforesaid, shall be paid by the commissioners aforesaid, until the trustees of the district to which such monies shall be apportioned as aforesaid, or at least two of them, shall have certified in writing under their hands, and delivered such certificate to the commissioners aforesaid, or some or one of them, substantially in the words following, viz:

Comm'rs. to receive and distribute school monies.

We, the trustees of the school district, within the town of do certify that a school hath been kept in said district, for at least three months during the year last past from the date hereof, by an instructor duly appointed and approved in all respects according to law, and that all monies received during the said year from the commissioners of common schools, have been faithfully applied in paying the wages of such instructor. Dated, &c.

Certificate to entitle district to school money.

} Trustees.

But nothing in this provision contained, shall be construed to ex-

tend, or in any manner to apply to the trustee of any neighborhood, or part of any town adjoining to any other state, which shall be set off by itself, as herein before said; but all monies which shall be apportioned as aforesaid to such neighborhood or part of such town, shall be paid by the commissioners aforesaid, to the trustee of such neighborhood or part of such town, on his making and delivering to them a certificate substantially in form following:

I, _____ the trustee of (here describe such neighborhood or part of such town) do certify, that all monies heretofore received from the commissioners of common schools, have been faithfully applied according to the true intent and meaning of the act for the better establishment of common schools. Dated, &c.
Trustee.

And all monies which shall be apportioned by the commissioners as aforesaid, and which shall remain in their hands unpaid, for the space of one year thereafter, either from the omission or neglect of the trustees to apply for and make the necessary certificate to entitle them to the same; or from any defect in such certificate, shall, after the expiration of such year, be added to the monies next thereafter to be apportioned by them, and shall be apportioned and paid together with such monies as aforesaid. And in case any monies which shall come into the hands of the commissioners aforesaid, for the use of the common schools, for their town, shall not be apportioned by them as aforesaid, for the space of two years thereafter, by reason of the non-compliance of all the school districts in such town, with the provisions of this act, all such monies so remaining, not apportioned for the space of two years as aforesaid, shall be returned and paid by the commissioners, to the treasurer of their county, and be apportioned and distributed by him, together with the other monies next thereafter to be apportioned and distributed by him in pursuance of this act.

Penalty for
false certificate.

XXII. *And be it further enacted*, That if any trustee appointed under this act, shall make a false certificate or report, by means whereof any monies shall be fraudulently obtained from the commissioners aforesaid, or unjustly apportioned by them, each trustee, signing such certificate or report, shall forfeit and pay the sum of twenty-five dollars, to the commissioners of the town in which such trustee shall be appointed or chosen, to be recovered with costs of suit, by action of debt, on this statute, before any justice of the peace, having cognizance thereof, in the name of the said commissioners, and such sum, exclusive of the costs of suit, shall be applied, when recovered, to the use of the common schools of such town.

Duty of inspectors of
schools.

XXIII. *And be it further enacted*, That it shall be the duty of the inspectors of common schools, to be appointed under this act, to examine all persons, who shall offer themselves as candidates for teaching common schools, in the town for which such inspectors shall be chosen or appointed; and in such examination, it shall be the duty of the inspectors aforesaid, to enquire, and so far as they shall be enabled thereto, to ascertain, and inform themselves, as to all the qualifications mentioned and contained in the certificate herein after specified and given in form: and if

they shall be satisfied, as to the sufficiency of such qualifications, they shall certify in writing, under their hands, and deliver such certificate to the person so examined by them as aforesaid, in form or substance following, viz :

We, the undersigned, inspectors of common schools for the town of _____ in the county of _____ Do ^{Certificate of inspectors,} certify, that we have examined _____ and do believe he or she (as the case may be) is of a good moral character, and of sufficient learning and ability, and in all other respects well qualified to teach a common school. Given under our hands at _____ the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

} Inspectors of
} Com. Schools.

And it shall and may be lawful for the inspectors of common schools, to annul any such certificate so given by them, or their predecessors in office, as aforesaid, to any such person as aforesaid : *Provided*, That notice thereof in writing be given to the trustees of the school district, or some or one of them, in which such person shall be employed as a teacher, at least three days before such certificate shall be annulled as aforesaid : *And further*, If any person shall be employed as a teacher, by the trustees of any school district, who shall not have obtained such certificate, as aforesaid, from the inspectors of common schools of the town in which such district shall be situated, or whose certificate, so having been obtained, shall have been annulled as aforesaid, such district shall forfeit, for the time such person shall be so employed, as aforesaid, all right and claim to any share of the monies which shall come into the hands of the commissioners of common schools aforesaid, during such time. ^{May be annulled.}

XXIV. *And be it further enacted*, That it shall be the duty of the inspectors of common schools aforesaid, to visit all such common schools within their respective towns, as shall have been formed in pursuance of this act, quarterly, or oftener, if they shall deem it necessary ; and to examine into the state and condition of such schools, both as it respects the proficiency of the scholars, and the good order and regularity of the schools ; and from time to time, to give their advice and direction to the trustees and teachers of such schools, as to the government thereof, and the course of studies to be pursued therein. ^{Further duty of inspectors.}

XXV. *And be it further enacted*, That a majority of the said inspectors, present, and acting in the performance of any of the duties required of them by this act, shall be competent to perform any such duties : *Provided*, That in the examination of teachers, and in certifying their qualifications as aforesaid, or in annulling any certificate as aforesaid, not less than three of the said inspectors shall be present ; and in all other cases not less than two of the said inspectors shall be present.

XXVI. *And be it further enacted*, That it shall be the duty of the commissioners of common schools of the several towns in this state, on or before the first day of July in each year, to make and transmit a town report to the clerk of their county, embracing the same matters as shall be contained in the report of the ^{Commissioners to make report, &c.}

trustees of school districts to the said commissioners ; and the clerks of the several counties shall, on or before the first day of November, annually, make a county report, embracing all the matters contained in the several town reports aforesaid, and transmit the same to the superintendent of common schools ; whose duty it shall be, annually, on or before the first Tuesday in February, to make a report to the legislature, embracing all the matters contemplated by this act.

XXVII. *And be it further enacted*, That for the purposes of this act, the city of Hudson, and each of the wards of the city of Schenectady, shall be considered towns.

XXVIII. *And be it further enacted*, That out of the school monies apportioned, from time to time, to the county of Albany, the city of Albany shall have its proportion with the towns in the county, according to its population ; and such proportion shall be paid by the treasurer of the county of Albany, into the hands of the trustees of the Lancaster school in said city, to be applied to the education of such poor children, residing in said city, who shall be in the opinion of the said trustees, entitled to gratuitous education : *Provided*, That the said trustees shall annually account to the county treasurer of said county for the faithful application of such money, according to the true intent and meaning of this act.

XXIX. *And be it further enacted*, That whenever any new town shall be erected, out of any other town or towns, the monies which shall be apportioned, from time to time, to such town or towns, from which such new town shall have been erected, shall be divided between the said towns, in the same proportion, and manner, as the poor of the town, and the money in the hands of the overseers of the poor, is in such case, by law to be divided.

XXX. *And be it further enacted*, That no person shall be taxed for building or erecting any school-house, who shall have been lawfully assessed and has actually paid a tax for the aforesaid purpose, in any case where such person shall be set off to another district contrary to his wishes.

XXXI. *And be it further enacted*, That the act, entitled " an act for the establishment of common schools," passed the 19th of June, 1812, be and the same is hereby repealed, from and after the first day of July next : *Provided*, That such repeal shall not invalidate, or in any manner affect the appointment of any officers, made in pursuance of the act hereby repealed, or the performance of any act, matter or thing, done in pursuance of the said act ; but all officers appointed or chosen, and until the said first day of July, to be appointed or chosen, and all acts, matters or things, done or suffered, and until the said first day of July, to be done or suffered, under or in pursuance of the act hereby repealed, shall be and continue thereafter, good and sufficient, for the purposes of this act, so far as the same shall be applicable thereunto, in the same manner as if such officers had been appointed or chosen, and such acts, matters or things, done or suffered, under and in pursuance of this act : *And provided further*, That nothing herein contained, shall be construed to extend to, or in any manner affect the act, entitled " an act supplementary

Repeal of the
old act.

Proviso

Further pro-
vided.

to the act, entitled "an act for the establishment of common schools," passed March 12, 1813, or any act passed at the present session of the legislature.

XXXII. *And be it further enacted*, That immediately after the passing of this act, the superintendent of common schools, shall cause to be printed and published five thousand copies of this act; and shall distribute the same among the several towns in this state, in such manner as he shall think proper; and for defraying the expenses of printing, publishing and distributing the same, the sum of one thousand five hundred dollars, or so much thereof as shall be sufficient for that purpose, shall be paid to the said superintendent, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

[*Note*.—The former act of June 19, 1812, which is repealed by this act, is in V. N. & W. vol. 1, 258.—The supplementary act is in the same volume, 266.—The present act was passed on the report of the superintendent of common schools, stating the defects in the act of June 19, 1812.—It was thought fit to pass an entire new act on the subject.—The attention of the legislature to this all important subject of education, reflects the highest credit on their intelligence, liberality and patriotism.]

CHAP. CXCIH.

An ACT relative to the salary of the reporter appointed by the justices of the Supreme Court.

Passed April 15, 1814.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the reporter appointed, or hereafter to be appointed by the justices of the supreme court of this state, pursuant to the act in this case made and provided, shall receive a salary of one thousand five hundred dollars, to be paid quarterly by the treasurer on the warrant of the comptroller: *Provided however*, That in consideration of the before mentioned salary, it shall be, and hereby is, made the duty of the said reporter, from time to time, to report and publish such decisions of the court of chancery, as the chancellor of this state shall deem of sufficient importance to be reported and published: *And provided also*, That he shall not during the same period hold any other office or appointment under the authority of this state.

Salary of the
reporter en-
acted to
1500 dollrs.

Proviso.

[*Note*.—A Reporter was first directed to be appointed by the act of April 7, 1804, sess. 27. ch. 68. W v. S. 462.—*Vide also notes to V. N. & W. v. 1. 320. § 9*.—An annual salary of 850 dollars was directed to be paid him, which was afterwards increased to 1250 dollars by sess. 32. ch. 124. *vide V. N. & W. vol. 1. 320. § 9*.—And again, by this act to 1500 dollars; but the additional duty of reporting chancery decisions is now imposed upon him.—Under the late chancellor, (Lansing) no such provision existed and consequently we have none of his decisions reported, except such as came up to the court of errors on appeal for reversal, and were of course reported in the cases adjudged in that court.—Much information will, no doubt, be derived from the reports of decisions hereafter to be made in chancery, when we consider the legal intelligence and superior talents which now preside over that tribunal.]

CHAP. CXCIV.

An ACT authorising the application of the common school monies in the village of Athens and in the city of Hudson, to the education of poor children.

Passed April 15, 1814,

Enacted.

WHEREAS the freeholders and inhabitants of the village of Athens, in the county of Greene, have by their petition to the legislature, prayed, that they may be permitted to apply their proportion of the monies received from the common school funds of the state and of that raised by tax in the town of Catskill, towards the education solely of those poor children in said village whose parents or guardians are unable to contribute in any way to the educating of their respective children: Therefore,

Certain school monies how appropriated to the education of poor children in Athens.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That* all the school monies apportioned by the commissioners of schools for the town of Catskill to the school districts in the village of Athens, shall, and the same is hereby exclusively appropriated to the education of such poor children belonging to said village, which may be in the opinion of the trustees of the school district therein entitled to gratuitous education; and the said trustees are hereby directed and required to apply all such monies as may come into their hands, for the purposes aforesaid, in such manner as they or a majority of them in each district, respectively, shall deem most beneficial and to accomplish the objects and true intentions and meaning of this act; and, the trustees of the several districts in said village, shall at the time required by law in each year, make report to the commissioners of the town of their proceedings under this act, and shall be subject to the same penalties for mal-conduct or neglect of duty, as is prescribed in and by the act for the establishment of common schools.

Trustees to report to the comptroller.

Common council of Hudson may appropriate certain school monies to the education of poor children.

II. *And be it further enacted, That* it shall be lawful for the mayor, aldermen and commonality of the city of Hudson, in common council convened, to appropriate all school monies apportioned to the city of Hudson from the school fund, to the education of such poor children belonging to the said city, as may be in their opinion entitled to gratuitous education.

[*Note.*—The general act, *vide* chapter 192, is modified with regard to Athens and Hudson, and the provision here appears expedient and proper.]

CHAP. CXCV.

An ACT to appoint commissioners to lay out or alter a certain road therein mentioned.

Passed April 15, 1814.

Certain commissioners appointed to

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That* Samuel Jackson, James Rosa

and Lawrence Vrooman, be, and they are hereby appointed commissioners, and they or any two of them, are hereby authorized and empowered, if they shall deem it necessary and proper, to lay out a public road, four rods wide, in as direct a route as the face of the country will admit, beginning on the easterly line of the town of Florida, where the road leading from the Scotch meeting-house intersects the said easterly line, thence to the public highway leading down the Mohawk river on the south side thereof, or streighten or alter the present road; *Provided always*, That such road shall not be laid through any garden or orchard.

lay out a road, etc.

Proviso.

II. *And be it further enacted*, That before either of the said commissioners shall enter on the duties of his office, he shall take and subscribe an oath or affirmation before a justice of the peace, to execute the duties enjoined on him by this act, without fraud, favor or partiality.

Commissioners to take an oath.

III. *And be it further enacted*, That the said road shall be laid out on actual survey, and that the said commissioners shall cause one copy of the field notes of the survey of the said road to be made and filed in the office of the clerk of the city of Schenectady, and another copy thereof in the office of the clerk of the town of Princetown, and the said field notes shall be recorded by the said clerks, in the record of roads kept by them, respectively.

Road to be laid out on actual survey and field notes where to be deposited.

IV. *And be it further enacted*, That it shall be the duty of the said commissioners, or any two of them, to appraise the damages to be received by such of the owners of the lands over which the said road shall run, as shall not abandon their right to such damages, which damages, together with the allowance to the said commissioners for their services, shall be audited by the supervisors of the county of Schenectady, as part of the contingent expenses of the town of Princetown and city of Schenectady, in the proportions that the damages for laying out or altering said road may be assessed in each, and shall be paid accordingly; and the said road when laid out by the said commissioners, and the damages paid to the said owners of the lands, over which the same shall run, shall be opened and kept in repair in the manner directed in and by the act to regulate highways.

Damages how to be appraised and paid.

Road how kept in repair.

V. *And be it further enacted*, That the said commissioners and their surveyor, shall each be allowed two dollars and fifty cents per day, for each day they shall be necessarily employed in the duties aforesaid.

Compensation of the commissioners.

[*Note*.—This act requires no remark.]

CHAP. CXCVI.

An ACT to amend an act, entitled "an act to vest certain powers in the freeholders and inhabitants of Union village, in the county of Washington."

Passed April 15, 1814.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the north boundary

North boundary

of Union
village
declared.

of said village shall run east from the place where it is intersected by the road leading through said village to Fort Miller Bridge, on a direct line to William Tefst, junior's, barn, instead of his house, and from thence, southerly, to the new dwelling-house, mentioned in the act hereby amended, as belonging to David Petteys, and these lines, together with the other boundary lines of said village, as described in said act, and not hereby altered, shall, after the passing of this act, be the true boundaries of said village.

Firemen to
be appointed
and by
whom.

II. *And be it further enacted*, That it shall and may be lawful for the trustees, of said village, or the major part of them, and they are hereby required with all convenient speed, to elect, nominate and appoint, a sufficient number of men willing to accept, not exceeding sixteen in number, out of the inhabitants residing within the limits of said village, to have the care, management, working, and use of the fire engine or engines which may belong to the freeholders and inhabitants of said village; and also, the tools and implements for extinguishing fires; and the said trustees or a majority of them, are hereby authorised and empowered, to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when, and as often as they shall think fit, and others in their stead to elect, nominate and appoint.

Power given
to dis-
place them.

[*Note.*—The act amended is sess. 32. ch. 158. W. vol 5. p. 516.]

CHAP. CXCVII.

An ACT for opening and improving a road from the town of Turin, to township number fifteen in Macomb's purchase, commonly called Emilyville.

Passed April 15, 1814.

Recital.

WHEREAS Archibald M'Vickar, James F. Watson, and others, being the owners of a great proportion of the land through which the road herein after mentioned is to pass, and which will be affected thereby, have by their petition represented to the legislature, that the value of all the lands contiguous to and in the neighborhood of the said road will be greatly enhanced by the opening of the same, and have required that an act may be passed for the purposes and with the provisions herein after contained: Therefore,

Commissioners
appointed to
explore and
mark out the
route, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James F. Watson of the city of New-York, Robert M'Dowall and Levi Collins, of the county of Lewis, be, and they are hereby appointed commissioners for exploring, and marking out a route for a road, from the state road in the northerly part of the town of Turin, to intersect the road from the city of Albany to the river St. Lawrence, in or near township number fifteen in Macomb's purchase, commonly called Emilyville.

II. *And be it further enacted*, That there shall be assessed, paid and collected, for the purpose of opening and making said road, viz: On every acre of land lying within one mile of said road, a sum not exceeding five cents, nor less than one cent; and, on every acre of land lying within two miles of said road, and more than one mile, a sum not exceeding three cents, nor less than five mills, (except the land belonging to the people of this state) the assessment to be proportioned to the value of the land; westerly, between where the said road shall cross the Black river, and easterly, where the said road shall intersect the road from the city of Albany to the river St. Lawrence.

Assessments to be made on lands contiguous.

Ratio of assessments.

III. *And be it further enacted*, That the said commissioners shall have power to open and make the said road in such direction as they shall think most advisable for the public good; and also, to make the assessment on the lands herein made subject to this tax, as aforesaid; and, the said commissioners are hereby required, as soon as may be after the route for the said road shall be fixed upon, and marked by them, to examine and make a fair assessment on the lands herein made subject to this tax, as aforesaid, which assessment shall be in writing, and shall ascertain and describe the parcels of land so assessed as accurately as may be, and the same shall be filed in the comptroller's office, whose duty it shall be to give notice in some newspaper printed in the city of Albany and some newspaper printed in the city of New-York, for three successive weeks, that he has received an assessment of a tax made agreeably to this act, and that unless the said tax shall be paid within six months from the date of said advertisement, it shall then be the duty of the comptroller to give notice in the two newspapers aforesaid, describing particularly, all the lands on which the tax aforesaid shall remain unpaid, that such land will be sold by the said comptroller in the city of Albany to the highest bidder, or so much of the same as may be necessary to raise the amount of the sum so assessed and remaining unpaid, together with all the expenses that shall have arisen on account of advertising, selling, and conveying the same, on such day as he shall fix, not exceeding four months, nor less than three months from the date of the advertisement; and, the said comptroller shall be and he is hereby authorised to make a conveyance to the purchasers of the land so sold, and which conveyance shall vest the absolute title thereof to the purchaser in fee simple: *Provided*, The owner of such land so sold and conveyed by the said comptroller shall not within two years after the said sale, pay to the said comptroller for the use of such purchaser, the sum he shall have paid for the same, together with the interest, at the rate of twenty per cent per annum, and the money so received by the comptroller shall be paid to the treasurer of this state for the purpose of making the road aforesaid; and, it shall be the duty of the treasurer to pay over said money to the commissioners appointed by this act, as the same shall be wanted, for the purpose of making the road between the Black river, and the road from the city of Albany to the river St. Lawrence, and the comptroller shall require of the said commissioners to account for the same according to law.

Commissioners to make the road and assessments.

Assessments to be in writing and to be filed.

Notice to be published.

Notice of sale required for non-payment of taxes.

Comptroller to convey.

Provido.

Commissioners to give bond.

IV. And be it further enacted, That each of the commissioners appointed under this act, shall give bond with surety, to be approved of by the comptroller of this state for the sum of three thousand dollars, with condition faithfully and punctually to perform all things required of him by this act, according to the true intent and meaning thereof, which bonds shall be deposited in the comptroller's office before they shall receive any of the aforesaid money.

When to be deposited.

Provision for the expense where road runs through public lands.

V. And be it further enacted, That where the said road shall pass through land belonging to the people of this state, it shall be the duty of the commissioners to keep a distinct account of the expenses incurred in opening and improving such part of said road, and that upon presenting such account duly authenticated to the comptroller, it shall be the duty of the comptroller to draw his warrant on the treasurer in favor of the said commissioners, for the amount of the same, and the treasurer shall pay the same out of any monies in the treasury not otherwise appropriated: *Provided*, It do not exceed five hundred dollars.

Treasurer to pay same.

Owners and occupants discharged from certain taxes, &c.

VI. And be it further enacted, That the owner or occupant of any land through which the said road may pass, and who shall actually make the said road at his own expense through the said land, according to the directions of the said commissioners, shall be discharged from any tax or assessment on the said land to which he would otherwise be liable.

Compensation to commissioners.

VII. And be it further enacted, That the commissioners appointed under this act, shall each of them be entitled to receive two dollars for each and every day's service in which they shall be employed in exploring, marking and laying out the said road, together with the wages and necessary expenses of such persons as they shall necessarily employ to assist them in executing the same, and that the said commissioners shall be entitled to and receive five per cent on all the monies which they shall expend for the purpose of opening and completing the road, as a compensation for making the assessment on the land, as well as contracting for and superintending the completion of said road.

Certain monies appropriated for the road out of certain taxes paid into the treasury.

VIII. And be it further enacted, That all monies which may be paid into the treasury, yearly, and every year, for the space of three years, after the passing of this act, which may be assessed for taxes on unsettled lands in that part of the town of Leyden, in Lewis county, lying east of the Black river, shall be, and hereby are appropriated for opening and improving said road, and the treasurer of the said county shall pay to the commissioners appointed by this act the said monies, as soon as the same shall come into his hands.

Vacancies how filled.

IX. And be it further enacted, That in case of the death, refusal to act, or resignation of any person appointed by this act to be a commissioner, it shall and may be lawful for the person administering the government of this state to supply such vacancy, by the appointment of such person to fill the same, as he in his discretion shall deem meet and proper.

Two commissioners

X. And be it further enacted, That two of the commissioners hereby appointed, shall be deemed a quorum, who may trans-

act all business incident to the trust reposed in them by this declared a
act. quorum.

[*Note.—See Appendix.*]

CHAP. CXCVIII.

An ACT in addition to the act, entitled "an act for the partition of lands."

Passed April 15, 1814.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That whenever a sale shall be made under the act, entitled "an act for the partition of lands," and it shall appear to the satisfaction of the court ordering such sale, by admission of the parties then before the court, or by affidavit, or otherwise, that the lands, tenements or hereditaments, ordered to be sold, or any part thereof, are subject to a right or rights of dower therein, but that the same dower hath not been assigned, then and in every such case, the said court shall take order for securing the interest or income of a just proportion of the purchase money for life, to the person or persons entitled to such dower, in like manner as is directed in and by the fifteenth section of said act, in case of tenancy for life; and the said right or rights of dower, shall thereupon and thereby, be deemed to be extinguished and fully satisfied, and the purchasers, their heirs and assigns shall hold such lands, tenements and hereditaments, free, and discharged from any such claim or right of dower, of, in or to the same: *Provided*, That this act shall not extend to any case, except where the widow whose right may be affected by any proceedings under this act, is a party to such proceedings: *And provided further*, That in every such case, it shall be the duty of the court, first to consider and determine under all the circumstances of the case, whether such property or any part thereof, ought to be exempted from such partition or sale, and herein they shall have a special regard to the right and interest of such widow.

Provision as to rights of dower in case of sales.

Proviso.

Further proviso.

II. *And be it further enacted*, That whenever any lands, tenements or hereditaments shall be held as tenants in common by the people of this state, and one or more of the citizens thereof, it shall be lawful for any one or more of the parties interested therein, to present a petition to the supreme court, for partition of the said land, and to have such proceedings and relief as are given and directed in other cases of the act hereby amended.

Lands held by the state with others, how to be divided.

III. *And be it further enacted*, That all notices, which by the act hereby amended, are directed to be served on the parties, shall in any proceedings under the preceding section of this act, be served on the attorney-general of this state, whose duty it shall

Service in such case of notices on attorney

general for the state, and his duty. be, and it is hereby declared to be, to appear for and attend to the interests of this state in the premises.

[*Note.*—The act for the partition of lands is in V. N. & W. vol. 1. 507.—The present act provides for a case not hitherto sufficiently guarded in partition, viz: That of dower, &c. and for cases in which the people of this state are concerned.]

CHAP. CXCIX.

An ACT appointing commissioners and making an appropriation of money for improving the road from the bridge over the falls of Genesee river to Lewiston, on the Niagara river, and for other purposes.

Passed April 15, 1814.

Commissioners appointed for improving a certain road.

5000 dollars to be paid them and how to be applied.

Proviso.

Compensation to commissioners.

Certain quit rents released.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Isaac W. Stone, Eli Moore, and Sheldon Thompson, be, and they are hereby appointed commissioners for the purpose of improving the road leading from the bridge over the Genesee Falls to Lewiston, on the Niagara river, called the ridge road; and the treasurer of this state is hereby required, on the warrant of the comptroller, to pay to the said commissioners, or to their order, the sum of five thousand dollars, to be applied in due proportion to the improvements of such parts of the said road, as may stand in need thereof, and as the said commissioners shall think proper, for the public benefit: *Provided however,* That previous to the payment of the said money, said commissioners shall give to the comptroller of this state, sufficient security, that they will faithfully expend and account for said money, and the certificate of the said comptroller shall be considered by said treasurer as proof that said commissioners have complied with the requisites of this act.

II. *And be it further enacted,* That each of the said commissioners appointed by this act, shall be entitled to two dollars per day, for each day they shall be respectively employed in the discharge of the duties imposed on them by this act, to be paid out of the aforesaid money.

III. *And be it further enacted,* That the quit rents due and reserved on the patent, commonly called the Salisbury and Sleghtenhors patent, be, and the same is hereby released to the present proprietors of the lands contained in the said patent.

[*Note.*—See Appendix.]

CHAP. CC.

An ACT for the Payment of certain Officers of Government, and for other purposes.

Passed April 15, 1814.

Money to be paid the chaplains

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the treasurer shall pay, on

the warrant of the comptroller, to each of the reverend clergy, who shall have attended the legislature as chaplains, during the present session of the legislature, the sum of two dollars and fifty cents, for every day they may have so attended, and that the number of days each may have attended, shall be certified by the president of the senate or the speaker of the house of assembly.

II. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding three thousand dollars.

III. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay the rent for last year, of the house occupied by his excellency the governor.

IV. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to John F. Bacon, clerk of the senate, fifty dollars, for making an index to the journals of the Senate, and to James Van Ingen, clerk of the Assembly, for making an index to the journal of the house of Assembly, fifty dollars, and the sum of two dollars and fifty cents per day, to the said clerk, as a compensation for an additional assistant clerk employed by him at this session.

V. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to George W. Mancius the amount of his account for the postage of the comptroller's official letters.

VI. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to the adjutant-general of this state, the sum of fifteen hundred dollars, for his yearly salary, in lieu of the sum heretofore allowed him, payable quarter yearly, to commence on the first day of January last past.

VII. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to John Cameron, Duncan Cameron, John McDonald, Archibald Noble, Norris Hopkins, William Leach and Avery Allen, severally, such sum as shall be audited to them respectively, by the comptroller, as a compensation for their attendance as witnesses before the committee of privileges and elections of the house of Assembly, upon the memorial of John White.

VIII. *And be it further enacted,* That the mayor's court of the city of Albany, shall be, and hereby is authorised and empowered to hear, try and determine, according to law, all actions, real, personal and mixed, arising within the said city; and also, all transitory actions, although the same may not have arisen within the said city.

IX. *And be it further enacted,* That it shall and may be lawful for the president and directors of the Hamilton and Skeneateles turnpike company to, demand and receive toll from the same description of persons as are liable to the payment of toll by the general law, entitled "an act relative to turnpike companies," passed March 13, 1897, any thing contained in the proviso to the eleventh section of the act, entitled "an act to incorporate the

Hamilton and Skeneateles turnpike company," passed the second day of April, 1806, to the contrary notwithstanding.

Monies to be paid to the state-prison agent.

X. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the agent of the state-prison, a sum not exceeding fifteen thousand seven hundred and seventeen dollars, in such sum or sums, and at such time or times, as the inspectors may require for the support of the institution.

For expenses of treasurer's office.

XI. *And be it further enacted*, That for the expenses of the treasurer's office, over and above the present allowance to his clerk, there be appropriated four hundred dollars a year, to commence from the first day of January last.

To the deputy secretary of state.

XII. *And be it further enacted*, That the deputy secretary of this state, in lieu of his present compensation, shall be allowed an annual salary of one thousand dollars, to be computed from the first day of January last.

To the deputy comptroller.

XIII. *And be it further enacted*, That the deputy comptroller of this state, instead of the salary now allowed him, shall receive at and after the rate of fourteen hundred dollars a year, to be computed from the first day of January last.

For expenses of comptroller's office.

XIV. *And be it further enacted*, That there be appropriated to the use of the comptroller of this state, in addition to the present allowance, for the expenses of his office, the sum of six hundred dollars a year.

Sullivan clerk's office where to be kept.

XV. *And be it further enacted*, That the clerk's office of the county of Sullivan shall be kept within one mile of the courthouse in said county.

A certain iron chest to be sold.

XVI. *And be it further enacted*, That the comptroller be, and he is hereby authorised, to sell the iron chest in his office, and pay the amount he shall receive for the same into the treasury of this state.

Certain monies of J. Geddes how applied.

XVII. *And be it further enacted*, That the sum of four hundred and seventy-nine dollars paid into the treasury of this state, on the thirteenth day of August last, by James Geddes, on account of principal due on lot number thirty-seven, in the late Onondaga reservation, may, at the request of the said James Geddes, to be signified in writing to the comptroller of this state, be applied to the payment of interest due on all or any of lots number twenty-two, twenty-three, thirty-six and fifty, in the said reservation, owned by the said James Geddes, and an endorsement shall be made on the receipt for the money paid on the said thirteenth day of August last, which shall express the transfers which may be made of said payment in pursuance of this provision.

A certain section revived.

XVIII. *And be it further enacted*, That the fourteenth section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed the thirteenth day of April last, be and the same is hereby revived, and that it be continued in force until the first day of October next.

Comptroller to receive certain returns of arrears of taxes.

XIX. *And be it further enacted*, That the comptroller be, and he is hereby required to receive the returns of the arrears of the tax of the year one thousand eight hundred and twelve, for the county of Herkimer, the same having been returned too late last year to be admitted by the comptroller.

XX. And be it further enacted, That it shall be the duty of the state printer to print one hundred and fifty additional copies of the journals of the senate and assembly, of the present session, and of every future session, and that the comptroller allow him the like compensation per sheet, for the said additional copies as for the other copies, and that the comptroller also allow the like compensation for one hundred and fifty additional copies of the journals of the last session, printed by the said state printer, and deposited by him in the secretary's office.

State-printer to furnish certain journals.

His compensation.

XXI. And be it further enacted, That it shall and may be lawful for the state printer hereafter, to print the session laws with type, and on paper of the same size, as those used in the publication of the revised laws, and that the comptroller allow to the said state printer, and draw his warrant on the treasurer for an additional sum of two dollars and fifty cents per sheet beyond the present allowance.

State-printer allowed to print the session laws with certain type and paper.

XXII. And be it further enacted That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate and the speaker of the house of assembly, the sum of one dollar and fifty cents per day, for each day's attendance in their respective stations; to each member of the senate and assembly, the sum of one dollar per day, for each day's travel and attendance in the legislature; to the clerks of the senate and assembly, to their respective deputies, and to the serjeant-at-arms and door-keeper, of the senate and assembly, the sum of one dollar for each day's attendance, in addition to the compensation allowed them respectively, in and by the act, entitled "an act for the support of government."

Monies to be paid president of the senate and speaker of assembly, and to the clerks, their deputies, and serjeant at arms.

XXIII. And be it further enacted, That all commutation money hereafter to be received from people called Quakers, under or by virtue of the act to organize the militia of this state, instead of being paid to the treasurer of this state, for the benefit of common schools, shall be paid to the several county treasurers, for the use of the poor in the said counties, to be distributed among the several towns and cities in this state, by the supervisors of the several counties, in proportion to the amount of taxes paid by the several towns or cities within this state.

Commutation money of Quakers how appropriated.

XXIV. And be it further enacted, That in addition to the salaries now allowed by law to the assistant keepers of the state-prison, they shall each be entitled to the sum of sixty-five dollars per annum.

Assistant keepers of state-prison.

XXV. And be it further enacted, That in case of the sickness or absence of the coroner of the city and county of New-York, at any time, it shall and may be lawful for any one of the aldermen or special justices of the peace, of the said city, for the time being, to do and perform all or any of the duties appertaining to the office of coroner of the said city, during such sickness or absence, and shall be entitled to the like fees as are now allowed to the said coroner by law.

Any alderman or special justice in N. Y. may execute certain duties of a coroner.

XXVI. And be it further enacted, That the commissioners of the land office be, and are hereby authorised and required, to grant, by letters patent, to the trustees of the Onondaga academy and their successors, in fee simple, lot number nine, in the town

Lot No. 9, in Tysander, granted to the Onondaga academy, who are to sell it, &c.

of Lysander, in the county of Onondaga, except fifty acres survey; and it shall be the duty of said trustees, in case they shall sell the same, to loan the money arising on such sale, on landed security of double the value, and apply the interest arising from such loan forever to the support of instruction in said academy, and for no other purpose.

Attorney-general to suspend prosecuting a certain mortgage.

XXVII. *And be it further enacted* That the attorney-general be, and he is hereby directed, to suspend all prosecutions for the recovery of the principal and interest due on a mortgage executed by Jacob Knights, to the people of this state, of a lot of land in Brothertown, so called for the term of three years, from the first day of January next.

Monies payable to J. Van Ingen and J. F. Bacon.

XXVIII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to James Van Ingen, clerk of the house of assembly, the sum of twenty-four dollars, for the like sum paid by him to John F. Bacon, for services rendered by him as deputy clerk of the house of assembly, subsequent to the death of Samuel North, late clerk of said house, and prior to, and on the first day of the session of the legislature, in the year one thousand eight hundred and thirteen.

Saratoga com. pleas February term altered to January.

XXIX. *And be it further enacted*, That the court of common pleas and general sessions of the peace, which is provided by law to be held in the county of Saratoga on the first Tuesday of February, shall, instead of that day, be hereafter holden on the last Tuesday of January in each year.

Oath of supervisors, town clerks, assessors, &c.

XXX. *And be it further enacted*, That in addition to the form of the several oaths of office, to be administered after the first day of March next, to be taken by the supervisor, town clerk, assessors, commissioners of highways and overseers of the poor of the several towns in this state, the following words shall be inserted, to wit: "And that I am a citizen of the United States, and that I am a freeholder, and an actual resident of the town of (here insert the name of the town) in the county of (here insert the name of the county)."

Clerk of the city of Hudson may administer oaths.

XXXI. *And be it further enacted*, That it shall be lawful for the clerk of the city of Hudson, to administer all oaths which by law the clerks of the respective counties are authorised to administer.

Albany com. council to regulate livery stables and hacks.

XXXII. *And be it further enacted*, That it shall be lawful for the common council of the city of Albany, to regulate and license owners of livery stables, and to regulate and license the owners and keepers of hackney coaches, and of horses, phaetons, chairs, sleds, waggons, and carriages of every description, used for hire, or reward, in the said city, and to inflict penalties for the violation of such regulations, not exceeding twenty-five dollars, besides costs, on any one person for any one offence.

Certain trustees to give security.

XXXIII. *And be it further enacted*, That the trustees authorised by an act passed at the last session of the legislature, to be elected in the town of Manlius, in the county of Onondaga, for the purpose of selling the gospel and school lots in said town, and disposing of the money arising therefrom, shall, before they enter on the duties of said office, give such security for the faithful perform-

ance thereof as the supervisor and town clerk of said county may require.

XXXIV. *And be it further enacted*, That from and after the passing of this act, it shall not be lawful for any person residing or being in the first or second wards of the city of Schenectady, except the steward of Union college, or such other person as the trustees thereof may authorise, knowingly, to furnish for compensation, any student or students thereof, with any wine or spiritous liquors, of any sort, nor to furnish for them a room or festival entertainment, or to allow them to attend the same by whomsoever furnished.

Students in Union College prohibited from wine, &c. in the first and second wards of Schenectady.

XXXV. *And be it further enacted*, That it shall not be lawful for any theatrical exhibitions, or for any puppet-show, wire-dance, feats of horsemanship, or any such like idle shows of any sort, to be performed or exhibited within the aforesaid limits, nor shall it be lawful for any owner or occupant of any house, or out-house, or yard, to furnish accommodation therefor, and for each and every offence against either of the provisions of this and the preceding section of this act, the person or persons so offending shall forfeit the sum of twenty-five dollars, with costs, to be recovered in an action of debt, in any court having cognizance thereof, the one moiety to the use of the poor in the city of Schenectady, and the other to the benefit of the person prosecuting therefor.

Theatrical exhibitions, &c. prohibited in those wards.

Penalty.

And whereas, By the act, entitled "an act for the endowment of Union College," passed in the year 1805, the number of the trustees thereof was reduced from twenty-four to twenty-one: Therefore,

Recital.

XXXVI. *Be it further enacted*, That the number of trustees requisite for forming a quorum for the transaction of business, be reduced from fourteen to eleven, and for adjournment from day to day, from seven to five.

Quorum of trustees of Union College.

XXXVII. *And be it further enacted*, That judgments may be hereafter entered in the courts of common pleas, in the several counties of this state, upon bonds and warrants of attorney in term or vacation, in the same manner as judgments are entered in the supreme court.

Judgments in common pleas and mayor's courts on bonds, &c. may be entered in vacation.

XXXVIII. *And be it further enacted*, That the agreement of the commissioners of fortifications for leasing during the war, a piece of ground in the vicinity of the forts on Staten Island, and on which an outwork has been erected, shall be, and the same is hereby confirmed, and that the treasurer is hereby authorised to pay, annually, the sum of two hundred and fifty dollars, being the rent therefor, during the period aforesaid.

A certain lease of the commissioners of fortifications confirmed, &c.

XXXIX. *And be it further enacted*, That the sum of fifty thousand dollars to be expended by the commissioners of fortifications with the approbation of the person administering the government, be, and the same is hereby appropriated to complete the fort on Staten Island, or to be applied to such other works of defence in that quarter as may be deemed best calculated to promote the public security, and that the said money shall be drawn on the application of the person administering the government.

50,000 dolls. appropriated for completing a certain fort on Staten Island, &c.

XL. *And be it further enacted*, That the death of either party after a plea of confession, signed by the defendant or his attorney,

Death of a party after signing a

confession
not to be
alleged for
error etc.

when a suit was pending during the life of such defendant, shall not be assigned for error in any writ of error, hereafter to be brought, so as judgment be entered up in two terms after the time of signing such plea of confession.

\$500 dollars
loaned to T.
Morse.

XL I. *And be it further enacted,* That it shall and may be lawful for the comptroller of this state, to loan out of any monies belonging to the common school fund, to Timothy Morse and his associates, a sum not exceeding five thousand dollars, for a term not exceeding five years, with interest, at the rate of seven per cent per annum, payable annually; and also, to Daniel Johnson, the like sum, and on the like rate of interest, on security of real estate, of at least double the value of the money loaned over and above the buildings thereon.

A certain
room in the
city hall in
New-York
to be fur-
nished at the
expense of
the state.

XL II. *And be it further enacted,* That it shall be lawful for the common council of the city of New-York, to cause the room in the new city-hall, of the city of New-York, set apart by the corporation of the said city for the use and accommodation of the person administering the government of this state, to be furnished in a suitable manner, and that the treasurer on the warrant of the comptroller pay the amount of the expenses thereof, not exceeding one thousand dollars.

Certain
sections
repealed.

Proviso.

XL III. *And be it further enacted,* That the third, fourth and fifth sections of the act, entitled "an act further to provide for the internal navigation of this state," passed June 19, 1812, be, and the same are hereby repealed: *Provided,* That nothing herein contained shall be construed to affect or annul any acts of the said commissioners, done in pursuance of the said sections hereby repealed.

Recital.

And whereas, It is suggested to the legislature, that there are a number of original wills remaining in the office of the surrogate of the county of Westchester, which were proved before the late Philip Pell, deceased, formerly surrogate of the said county, but have not been recorded, and that many of the records of the said office are incomplete: Therefore,

Duty of the
surrogate of
Westchester
in comple-
ting certain
records.

XL IV. *Be it further enacted,* That it shall be lawful for the surrogate of the said county of Westchester, for the time being, and he is hereby required, to record the said original wills, and to complete the records, which remain in his office in an imperfect and unfinished state, and that the said records shall be as valid and effectual in all respects as if made or completed by the said former surrogate, and that the accounts of the said surrogate for recording the said wills, and completing the said records, in cases where the fees for the record thereof may have been already paid to the former surrogate, be audited by the board of supervisors, who shall allow him such compensation therefor, as they may think proper, to be raised in like manner as other contingent charges of the said county are by law directed to be raised: *Provided,* That the monies paid to the said Philip Pell, deceased, for the fees payable for recording the said unrecorded wills, and entering the said unfinished records, may be recovered by the treasurer of the said county, from the heirs or devisees of the said Philip Pell, to whom sufficient assets or estate may have descended, or some or any of them, or from his executors or admi-

Compensa-
tion.

Proviso.

histrators, if possessed of sufficient assets to answer the same, in an action of debt, or on the case as for so much money had and received, in any court having cognizance thereof, with costs of suit.

XLV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the commissary general of this state, the sum of five hundred dollars, as an additional compensation for his services for one year, commencing on the first day of January last, payable quarter yearly.

Monies to be paid to the commissary general.

XLVI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the assistant-commissary of the Western district, the sum of six hundred and fifty dollars, as an additional compensation for his services for one year, commencing on the first day of January last, payable quarter yearly.

To assistant commissary of the western district.

XLVII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the assistant-commissary of the Eastern district, the sum of three hundred and fifty dollars, as an additional compensation for his services for one year, commencing on the first day of January last, payable quarter yearly.

To assistant commissary of eastern district.

XLVIII. *And be it further enacted*, That on the final settlement of the accounts of the commissioners appointed for building the capitol in the city of Albany, the comptroller shall deliver to them the bonds by them severally executed, and that in future, the custody and care thereof be committed to the corporation of the city of Albany; and that the comptroller, in settling the accounts of said commissioners, shall allow them one per cent on the monies by them expended, as a compensation for their services in the erection of said building.

Capitol in Albany committed to its com. council, and certain bonds to be given up to the com. trs.

XLIX. *And be it further enacted*, That the comptroller be, and is hereby authorised and directed to subscribe the stock reserved for the state to subscribe in any of the banks in this state, and that the comptroller borrow such sum as may be necessary for the purpose of paying the same, from the bank of America, or any other bank obliged by law to loan money to this state, unless there shall be funds in the treasury not otherwise appropriated, in such case, the same to be paid out of such funds.

Comptroller to subscribe to certain bank stock.

L. *And be it further enacted*, That the right of the people of this state shall be, and hereby is vested in the present rightful holders, under lawful conveyances derived from John Winne, of and in lot number fifteen, in the township of Galen, in the tract of land set apart for the use of the troops of the line of this state in the army of the United States, drawn to the name of the said John Winne, as a compensation for his services in the late revolutionary war, except the one hundred acres intended as an equivalent for the United States bounty; and it is hereby declared that the said lands so granted, shall be deemed to have been vested in the said John Winne in fee, on the twenty-seventh day of March, one thousand seven hundred and eighty-three.

Certain land vested in certain owners under John Winne.

LI. *And be it further enacted*, That the managers to be appointed in compliance with the act, entitled "an act instituting a lottery for the promotion of literature, and for other purposes,"

12,000 dolls. to be raised by lottery for the historical society in N. York.

after the payments are completed according to the several provisions contained in said act, be and hereby are directed to raise the additional sum of twelve thousand dollars, in the manner directed in and by the aforesaid act, which sum, when so raised, shall be paid to the historical society in the city of New-York, for the purpose of procuring books, manuscripts and other materials, to illustrate the natural, literary, civil and ecclesiastical history of America.

Trustees of
Union Col-
lege to sub-
scribe for
certain bank
stock.

Proviso.

Further
proviso.

Recital.

LII. *And be it further enacted*, That it shall and may be lawful for the trustees of Union College to subscribe a sum equal in amount to the charity funds belonging to said institution, or any part thereof, to the capital stock of any bank or banks in this state, the consent of the directors thereof being obtained for such subscription: *Provided always*, That no right of voting on any stock subscribed by virtue of this act, shall be conveyed to the said trustees or their assigns; and the capital stock of any bank consenting to such subscription, on filing the same in the office of the secretary of this state, shall be increased to the amount so subscribed: *And provided further*, That no larger sum than ten thousand dollars be subscribed to the capital stock of any one bank.

And whereas, It appears that a majority of the judges of the court of common pleas of the county of Queens, on the eighteenth day of January last, under and pursuant to the second section of the act, entitled "an act for the encouragement of the manufactures of woollen cloth, and for other purposes," passed 19th June, 1812, did adjudge and certify, that Joseph Onderdonk was entitled to a premium of thirty-five dollars, although it also appears, that the cloth upon which they awarded him the said premium, was wholly manufactured in a factory in said county: *And whereas*, That decision appears to this Legislature to have been made from a misconstruction of the said section of the said act, and contrary to the true intent thereof, which was evidently to encourage the manufacture of woollen cloth in *families*, and not in *factories*: Now, therefore,

A certain
premium to
be paid, and
how.

LIII. *Be it further enacted*, That the treasurer, on the warrant of the comptroller, pay the said premium to such other person as shall appear by the certificate of at least two of the judges of the court of common pleas of said county, to be entitled thereto, by having fully complied with the requirements of said section of said act.

[*Note*.—This is the act which is termed the *Supply-bill*, and usually contains much matter of different descriptions, and having no affinity at all to each other. It was formerly more important than at present, owing to the salaries of most of the public officers being now permanently fixed by law, and not being dependent on the pleasure of the Senate and Assembly alone at each session. Before the salaries of the Chancellor and Judges of the Supreme Court had become permanent, the Legislature would sometimes use their power in the passage of this law, in such a manner as almost to coerce the Council of Revision—For if the Council rejected the bill on account of some objectionable clauses, then they lost with it, their salaries for the year ensuing. This difficulty is however now removed.

The first five sections require no remark. The 6th increases the salary of the Adjutant-General, (Solomon Van Rensselaer, Esq.) from 1250 to 1500 dollars.—It is sufficient to mention, that this gentleman was the hero who so nobly distin-

gulated himself at the battle of Queenstown. The 7th relates to a matter, for which, see *Appendix*. The 8th extends the jurisdiction of the Albany Mayor's Court, which before could only try causes arising *within the city, and not out of it*—some inconveniences being experienced from this restriction, this section became necessary to place it on the same footing with the New-York Mayor's Court.—The 9th relates to the Hamilton and Skeneateles turnpike company, which was incorporated April 2, 1806, *vide W. v. 4. 475* sess. 31. ch. 213—sess. 36. ch. 22. For remarks on the 10th section, see *Appendix*. Before the provision contained in the 11th section, the sum allowed was 700 dollars, it is now increased to 1100 dollars. The 12th section relates to the Deputy Secretary of State, an office at present held by Archibald Campbell, Esquire. His salary formerly did not exceed 700 dollars, but owing to his increased duties, and the fidelity and dispatch with which he executed them, it was increased to 1000 dollars. The 13th section relates to the Deputy Comptroller, and increases his salary from 1000 to 1400 dollars. The remark applied to the Deputy Secretary, may with justice be likewise applied to this latter officer. The increased expenses of the Comptroller's office, required the passage of the 14th section. The 15th, 16th and 17th sections, require no remark. The 18th section, revives a section, sess. 36. ch. 203. § 14, relating to a conveyance to Richard Duncan. The 19th, 20th and 21st sections, require no remark.—The 23d appropriates certain monies arising under the militia law, to the *school fund*—for the militia laws, *vide W. v. 5. 530*. sess. 34. ch. 121. Sess. 34. ch. 246. § 50, 51. Sess. 35. ch. 239. § 21. The 24th, 25th, 26th, 27th, 28th and 29th sections, require no remark. The 30th section amends the act of March 19, 1813, *vide V. N. & W. v. 2. 128*. The 31st requires no remark. The 32d was passed on the application of the Albany Common Council, to suppress the frauds and extortion practised by some of the owners of carriages, &c. let to hire. The act referred to in the 33d section, is sess. 36. ch. 100. The 34th and 35th sections were passed on the suggestion of the faculty of Union College. The 36th was passed to remedy the inconvenience produced from the want of a quorum in the board of trustees. Before the 37th section, no judgments in the Mayor's Courts or Common Pleas, could be entered *in vacation*. The 38th, 39th, 40th, 41st and 42d, require no remark. The sections repealed by the 43d, are in sess. 35. ch. 157, and related to certain tonnage to be received from owners of vessels, &c. The 44th, 45th, 46th, 47th, 48th, 49th and 50th sections, require no remark. The 51st relates to the Historical Society, which was incorporated February 10, 1809, sess. 32. ch. 26. For the 52d, see *Appendix*. The 53d and last section, gives a construction to sess. 35. ch. 330. which before had been the subject of doubt.]

CHAP. CCI.

An ACT to vest certain powers in the Freeholders and Inhabitants of the village of Sacket's Harbour.

Passed April 15, 1814.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the district of country comprising great lots number twenty-two and fifty-four, and sub-division lots number one and two, in great lot number fifty-two, of the town of Hounsfield, in the county of Jefferson, shall hereafter be known and distinguished by the name of "the village of Sacket's Harbour;" and the freeholders and inhabitants qualified to vote at the town-meetings, who may from time to time reside within the aforesaid limits, may on the first Tuesday of June next, meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday of June, and then and there proceed to elect seven freeholders, resident within the said village, to be trustees there-

Village of
Sacket's
Harbour de-
clared.

Trustees to
be elected.

of, who when chosen, shall possess the several powers and rights herein after specified: and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes, as duly chosen trustees; and on every first Tuesday of June after the first election of trustees, there shall in like manner be a new election of trustees for the said village; and the trustees for the time being shall perform the several duties required from the said justice or justices, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

Declared a
corporation.

Style and ge-
neral powers

II. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of "the trustees of the village of Sacket's Harbour," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of the said village, and of erecting public buildings, such as fire-engine-houses, of raising money by tax for erecting those public buildings, or making any other improvements or necessary repairs; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three, nor more than five, judicious assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village qualified to vote at town-meetings at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for erecting such public buildings, nor such public buildings be erected or disposed of, without the consent and approbation of the freeholders and the legal voters of the said village, or the major part of them, in open meeting duly notified by the said trustees, by written or printed notice to be put up in three public places in said village, at least one week previous to such meeting.

Assessors

Proviso

Power to
pass bye-laws

III. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them by this act authorised to be chosen, and for their successors in office forever, from and after the first Tuesday of June next, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as are relative to public markets within said village; relative to the streets, alleys and highways, therelp, and draining, filling up, paving, keeping in order and im-

proving the same; relative to slaughter-houses and nuisances generally; relative to a town-watch, and lighting the streets of the said village; relative to the number of taverns or inns to be licensed in the said village; relative to the restraining of geese, swine, or cattle of any kind; relative to the inspection of weights and measures, and relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale: *Provided*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States: *And provided always*, That any monies to be raised for paving any street or streets, shall be assessed, levied and collected, in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets so to be paved, in proportion as nearly as may be to the advantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

Proviso.

Further proviso.

IV. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish, any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines against the offenders of such laws, as they may think proper, the same not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of said corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of the village of Sacket's Harbour in the amount of the debt, penalty, fine or forfeiture, by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Penalties limited to 25 dollars.

How collected.

V. *And be it further enacted*, That the freeholders and inhabitants of the said village of Sacket's Harbour, qualified to vote at town-meeting, at their annual town-meetings on the first Tuesday of June in every year, hereafter to be held for choosing trustees, or at any other meeting duly notified, shall be and they are hereby authorised, by plurality of votes, to choose not less than three, nor more than five, judicious inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, one collector, and as many fire-wardens as the trustees for the time being, or the major part of them, may order and direct; and in case of vacancy by death, removal, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, to appoint some suitable person to fill such vacancy; and the person so to be appointed shall be vested with the like powers, and subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of said village, as above mentioned.

Assessors, treasurer, collector and fire-wardens to be appointed.

Vacancies how filled.

VI. *And be it further enacted*, That the trustees, treasurer, collector, assessors and fire-wardens, shall within ten days after

To take an oath of office.

each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

Treasurer & collector also to give security.

VII. *And be it further enacted*, That the treasurer and collector hereafter to be elected, shall before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Penalty for refusing certain offices.

VIII. *And be it further enacted*, That if any of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or assessor or fire-warden, and having notice thereof, shall refuse, deny, delay or neglect, to take upon him or them to execute such trust or office, to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they the said trustees, or the major part of them, may think fit, to be recovered by action of debt, with costs, in the manner herein before directed for the recovery of penalties or forfeitures imposed by the laws of the said trustees.

President and clerk of the board of trustees.

IX. *And be it further enacted*, That the trustees or the major part of them, within ten days after their being elected, in every year thereafter, shall, and it is hereby made their duty to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, and some proper person to be clerk of the said board; that it shall be the duty of the said president to preside at the meeting of the trustees, to order extraordinary meetings of trustees, whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any bye-laws; to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute, in the name of the trustees, all offenders against such bye-laws; to receive and lay before the trustees the returns of the fire-wardens; and who with the consent of the major part of the trustees, shall appoint under his hand and the seal of the said village, a company of firemen, not exceeding twenty in number, to inspect the utensils belonging to the said village for extinguishing fires; and whose duty it shall be, more particularly to see the engines and fire utensils, engine-houses and all other public property belonging to the said village, suitably and properly taken care of and kept in order; and to do all such other acts and things as may be proper for him as president of the board of trustees to do; and, in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the bye-laws of the said corporation.

President's duty.

Vacancy how filled.

Duty of collector of taxes.

X. *And be it further enacted*, That the collector shall within such time, as shall hereafter be provided for by the bye-laws of the said corporation, next after the receipt of his warrant for col-

lecting any tax, that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of, as shall have been directed by the freeholders and inhabitants of said village.

XI. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury, and that the treasurer, clerk, collector, and assessors shall be paid for their several services, such suitable compensation as the said trustees or a majority of them, by a bye-law of the said corporation, shall provide.

Trustees to keep account of disbursements, &c.

XII. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

Corporation not to purchase certain real estate.

XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall hold their respective offices until the first Tuesday of June next following, after their election of trustees, as aforesaid, and until a new election for trustees of said village shall be made pursuant to this act, and until the trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

Duration of the office of trustee and oath of treasurer.

XIV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked, offered, or exposed for sale by any baker or other person within the said village, and to inflict reasonable penalties upon all offenders against the said ordinances.

Regulations as to bread, &c.

[*Note.*—Add this village to the number of incorporated villages, *vide* V. N. & W. vol. 2 557, 558—This village was part of the town of *Watertown* in the county of Jefferson.]

CHAP. CCII.

An ACT to authorise the Comptroller to redeem the mortgage therein mentioned, and for other purposes.

Passed April 15, 1814.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the comptroller to pay and satisfy, out of any monies in the treasury, to the legal representatives of John Thurman, deceased, the principal and interest which may remain due on a certain mortgage, executed by John Weatherhead to Thomas Wormald, and others, bearing date the second day of March, in the year one thousand seven hundred and seventy-three, and by the said mortgagees or their legal representatives, assigned and conveyed to the said John Thurman in his life-time; and in case the repre-

Certain monies to be paid to the legal representatives of J. Thurman, deceased.

representatives of the said John Thurman shall refuse to accept such payment, the attorney-general is hereby directed to institute such proceedings against them as he shall deem proper for the redemption of the mortgage.

Certain quit
rents to be
set off.

II. *And be it further enacted*, That it shall be lawful to set off the amount of the quit rents, which may be due and owing from the estate of the said John Thurman to the people of this state, against so much of the principal and interest due and owing upon the said mortgage, either on an amicable settlement by the comptroller with the legal representatives of the said John Thurman, or in any suit which the attorney-general may institute for the redemption of the said mortgage.

Certain mo-
nies on bonds
and mort-
gages to be
remitted and
on what ac-
count.

III. *And be it further enacted*, That it shall be lawful for the comptroller to remit to the persons who have purchased, or hold any part of the mortgaged premises, under a title derived from the people of this state, in consequence of the attainder of the said John Weatherhead, so much of the money due and owing upon the bonds and mortgages, given for the securing the purchase money, with interest, as he shall deem equitable on account of the rent and costs, which may have been recovered against them, or to which they may have been subjected, in consequence of suits or actions brought either by the said John Thurman in his life-time, or by his legal representatives since his death.

Residue how
payable.

IV. *And be it further enacted*, That the residue of the money due to the people of this state, from the persons aforesaid, shall be divided into four equal installments, the first to become due on the first day of January next, with interest at the rate of six per cent per annum.

Note.—John Weatherhead was attainted of adhering to the enemy by an act of Oct. 22d, 1779, sess. 3. ch. 25, *vide* Gr. vol. 1. 26, and thereby his estate became forfeited to this state.]

CHAP. CCIII.

An ACT authorising the administrators of Thomas Bell, deceased, to convey the lands therein mentioned.

Passed April 15, 1814.

Recital.

WHEREAS Mary Bell, widow and administratrix, and Philip L. Herder, administrator of Thomas Bell, late of the town of Herkimer, in the county of Herkimer, deceased, and George I. Hills of the same place, have by their joint petition presented to the legislature, set forth, that the said Thomas Bell, deceased, during his life-time, in and by a certain bond or writing, obligatory, bearing date the fourth day of August, one thousand eight hundred and twelve, did under his hand and seal bind himself, his heirs, executors and administrators, jointly and severally to the said George I. Hills, his certain attorney, executors, administrators and assigns, in the penal sum of three hundred and sixty dollars, which said bond or writing, obligatory, was conditioned as follows: That whereas the said Thomas Bell (now deceased) had

On that day agreed to sell, convey and assure to the said George I. Hills, all that certain piece or parcel of land situate, lying, and being in the town and county of Herkimer, on the west side of the west Canada creek; being a certain lot of woodland, containing by estimation, from twelve to twenty acres of land, bounded on the north by Bayard's patent, so called, belonging to the heirs of the Widow Lawrence; on the east by John Hill's land; on the south by George L. Herder's land, being part of the same lot; and on the west by George L. Herder's land; and, that in consideration of the said agreement, the said George I. Hills did, on on that day, pay to the said Thomas Bell, deceased, the sum of two hundred dollars, the receipt whereof was in and by the condition of the said bond acknowledged: *And further*, That the said land should, as soon as might be, be surveyed, and that the said George I. Hills should pay to the said Thomas Bell for the same, at and after the rate of twelve dollars for each and every acre thereof, and did further in and by the condition to the said bond, as aforesaid, agree, for himself, his heirs, executors, and administrators, to make, execute and deliver, to the said George, his heirs, or assigns, a good and sufficient warranty deed of the premises aforesaid, on or before the first day of September, then next, and that if the said land after being surveyed and measured, as aforesaid, should at the rate per acre, as aforesaid, exceed the sum of two hundred dollars, received by the said Thomas, as aforesaid, that then the said George I. should pay to the said Thomas the amount of the said excess: That the said land on being surveyed and measured, as aforesaid, did not at the rate per acre, as aforesaid, amount to the said sum of two hundred dollars; and, that the said Thomas Bell died without lawful issue, and that they are desirous, that the condition of the said bond should be fulfilled, and that the agreements therein contained should be carried into effect: Wherefore,

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Mary Bell, administratrix, and Philip L. Herder, administrator of the said Thomas Bell, deceased, to grant, convey and assure by deed of warranty to the said George I. Hills, his heirs and assigns, the said premises above described according to the true intent and meaning, tenor and effect of the condition of the bond or writing obligatory, aforesaid, at any time before the first day of September next, and that the said deed so as aforesaid to be made and delivered to the said George I. Hills shall have the same force and effect as though the same had been made, executed and delivered to the said George I. Hills by the said Thomas Bell and Mary his wife, on the first day of September, one thousand eight hundred and twelve: *Provided always*, That such conveyance shall not conclude the heirs of the said Thomas Bell, deceased, unless the chancellor of this state shall endorse on the same, a certificate that he is satisfied with the form of such conveyance, and that the same so made was necessary to fulfil

Administrators of T. Bell to convey to G. Hills certain land.

Effect of conveyance.

Proviso.

an existing and valid contract, entered into by the said Thomas Bell in his life-time.

[*Note.*—This act requires no remark.]

CHAP. CCIV.

An ACT concerning the valuation of real property in the county of Sullivan, and for other purposes; and to amend the act for the assessment and collection of taxes.

Passed April 15, 1814.

Supervisors
of Sullivan
to examine
certain as-
sessments
and correct
the same.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for, and it is hereby made the duty of the board of supervisors of the county of Sullivan, at their next annual meeting, to examine the assessment rolls of the several towns in said county, made pursuant to the act, entitled "an act for the assessment and collection of taxes," passed April 5th 1813, and to make such alterations in the valuations of real estates in the said county, as to produce, as nearly as possible, a just relation between all the valuations of real estates in the said county; and such valuations, when so revised and altered by the said board of supervisors, shall not thereafter be varied, but shall be considered as the true valuations of real estates in the several towns in the said county, except where the value of any shall be increased by the erection of houses, or by any other improvements, or where the value of any may be decreased by the destruction of any erections.

2500 dollars
to be raised
by tax for
completing
court house
and gaol.

II. *And be it further enacted,* That it shall be lawful for the said board of supervisors, and they are hereby authorised and empowered to levy and raise by tax, on the freeholders and inhabitants of the said county of Sullivan, a sum not exceeding one thousand five hundred dollars, together with treasurer's and collector's fees, in addition to the sum already allowed to be raised, for the purpose of completing the court-house and gaol of said county; which sum so to be raised and levied, shall be paid over by the treasurer to such persons, and accounted for, in such manner, as the said board of supervisors shall order and direct.

Comptrol-
ler's duty in
transmitting
lists of lands
to be sold for
taxes.

III. *And be it further enacted,* That it shall be lawful for the comptroller of this state to transmit the printed lists or statements of lands to be sold for arrears of taxes to the several county treasurers in this state, whenever and as often as the lands shall be liable to be sold, and the lists or statements be prepared: and the county treasurers, respectively, shall within one week after receiving such printed lists or statements, transmit those intended for the town clerk's offices to the town clerks of the several towns in their respective counties, and the expenses which may be incurred by the county treasurers in the transmission of the lists, as aforesaid, shall be audited and allowed by the boards of supervisors of the counties, respectively.

IV. *And be it further enacted*, That the proof of the publication of the notice for the sale of lands for arrears of taxes, may be made before any officer in this state, authorised to administer oaths, and the proofs already made of the publication of former notices, although not made before the mayor or recorder of any city, or before any judge or justice of the peace in this state, if made before any other officer in this state, authorised to administer oaths, shall be deemed sufficient proof of the publication.

Proof of publication of notice.

V. *And be it further enacted*, That when any person applies at the comptroller's office, to ascertain the amount of taxes due on any lands, the person so applying, shall, if the comptroller require it, furnish a list and specification of such lands.

Person applying to ascertain taxes, to give a list of lands, &c.

VI. *And be it further enacted*, That such of the returns of arrears of taxes, for the year one thousand eight hundred and thirteen, made to the comptroller's office, as have been certified by the county treasurers, to be true transcripts from the original assessment rolls, although not sworn to be such by the collectors, shall be deemed valid.

Certain returns of arrears of taxes declared valid.

VII. *And be it further enacted*, That hereafter it shall be the duty of the county treasurers, respectively, to compare the returns of the arrears of taxes due on the lands of non-residents, made to them by the collectors, with the entries of such arrears of taxes in the original assessment rolls, and if necessary, to correct the same, and when so corrected, to certify the same to be true transcripts from the said assessment rolls; and, that it shall no longer be the duty of the collectors to compare their said returns with the entries thereof in the assessment rolls, except in the absence of the county treasurer, when it shall be their duty to compare them, and make oath thereto, before any justice of the peace of the county.

Duty of county treasurers, &c.

VIII. *And be it further enacted*, That the third section of the act, entitled "an act for the assessment and collection of taxes," passed the 5th day of April, 1813, be, and the same hereby is repealed, so far as it respects the county of Suffolk.

A certain section repealed as to Suffolk.

* [Note.—The act for the assessment and collection of taxes is in V. N. & W. vol. 2. 509.—The present act makes various improvements in the former one, and the third section, page 510, is, as to Suffolk county repealed.]

CHAP. CCV.

An ACT for the relief of the heirs and representatives of Abraham Van Vleck, deceased.

Passed April 15, 1814.

WHEREAS Hilite Van Vleck, widow of Abraham Van Vleck, Barent Van Vleck, Henry Van Vleck, and Lucas I. Van Alen, administrators of the estate of the said Abraham Van Vleck, deceased, have represented to the legislature, that the said Abraham Van Vleck died seised of real estate, situate in the town of Kinderhook, in the county of Columbia, and of a small

Recital.

farm in the town of Windham, in the county of Greene: That the said Abraham Van Vleck died intestate, leaving seven children, all infants, under the age of twenty-one years: That of the land situate in the town of Kinderhook, the said Abraham was seised of one equal undivided moiety, as tenant in common with the infant devisees of Isaac A. Van Vleck, deceased, who by his last will and testament empowered his executors to sell the same: That there now is no one capable to improve the said estate to advantage: That it will greatly depreciate in value, on account of the repairs which will be required for the buildings and fences: That the estate will command a larger price if sold together, which the executors of Isaac A. Van Vleck are willing and anxious to do: That the money arising from the sale thereof, when put out at interest will afford a comfortable subsistence for the widow and children: Therefore,

H. Van Vleck
and L. J. Van
Alen to sell
certain real
estate.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Henry Van Vleck and Lucas I. Van Alen, of Kinderhook, in the county of Columbia who are hereby appointed trustees for that purpose, to sell all the real estate whereof the said Abraham Van Vleck died seised, situate as well in the town of Kinderhook, aforesaid, as that in the town of Windham, aforesaid, or either, at public or private sales, on the best terms they can, and to make and execute a good and sufficient deed or deeds of conveyance for the same, or any part thereof to the purchaser or purchasers thereof, and to his, her, or their heirs or assigns forever, free from any claim of dower or other demand of the said Hilite Van Vleck or her said infant children.

How to ap-
ply proceeds.

To suffer the
widow to re-
ceive the
interest and
income in
lien of her
dower, &c.

II. *And be it further enacted*, That the said trustees shall cause one third of the proceeds of the said sale, after deducting their reasonable costs and charges, to be put at interest on good and sufficient security, or vested and placed in and upon some good productive fund or stock of a permanent nature, and shall permit and suffer the said Hilite Van Vleck, widow of the said Abraham Van Vleck, deceased, to receive the interest and income thereof, and pay over such parts of the same as shall come to their hands to her during the time of her natural life, in lieu of her dower, or right of dower, of and in the said lands and real estate so to be sold, as aforesaid, and upon her decease the principal money to be divided and paid unto and among the heirs of the said Abraham Van Vleck, deceased, or their respective guardians, executors, administrators, or assigns, in such shares and portions as the said heirs are now entitled unto, and interested in the said lands and real estate so to be sold.

Residue how
distributed.

III. *And be it further enacted*, That the said trustees shall distribute, divide and pay, the remaining two third parts of the money and proceeds to be made by such sale, after deducting their reasonable costs and charges unto and among the heirs of the said Abraham Van Vleck, deceased, or the respective guardians of such of them as shall be under age according to their respective estates, and interest in the said lands and real estate so to be sold, their portions of the monies, respectively.

IV. *And be it further enacted*, That the said trustees before ^{Trustees to} they enter upon the execution of their said trusts, shall execute ^{give a bond.} a bond to the people of this state, with such surety or sureties, and in such sums as the surrogate of the county of Columbia shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the said surrogate, for the benefit and use of the said widow and heirs of the said Abraham Van Vleck, deceased.

V. *And be it further enacted*, That the said widow of the said ^{Widow to} Abraham Van Vleck, deceased, before she shall be entitled to ^{release her} receive any part of the aforesaid interest, made payable to her ^{dower.} during her life, as aforesaid, shall execute to the purchaser or purchasers, their heirs and assigns, a release of her dower and right of dower, in and to the premises so sold, as aforesaid.

VI. *And be it further enacted*, That in case the said trust- ^{Vacancies} ^{in trustees} ^{how filled.} tees, or any or either of them shall die before the execution of the said trust shall be completed, it shall be lawful for the surrogate, aforesaid, to appoint other trustee or trustees, in his or their place and stead, who shall in all respects conform to the directions of this act: *Provided*, That no conveyance to be made in virtue of this act shall be binding on the infant heirs of the said ^{Provide.} Abraham Van Vleck, deceased, unless the said surrogate shall certify on such conveyance, that the same is beneficial to the said heirs.

[*Note*.—This act requires no remark.]

CHAP. CCVI.

An ACT relative to the Western Branch of the Schoharie Turnpike Road.

Passed April 15, 1814.

WHEREAS the president and directors of the western branch ^{Recital.} of the Schoharie turnpike road, have by their petition, represented to the legislature, that it is necessary, as well for the good of the public as for the interest of the company, to allow certain alterations to be made in the route of said road, in order to avoid some hills, and that it is also necessary to reduce others, so as to render them of more gradual and easy ascent, and that the company is in debt about five thousand dollars for making said road, and that a tax on the stock of said road is absolutely necessary to effect the alterations and discharging the debts, and also, praying the addition of a half toll gate: Therefore,

I. *BE it enacted by the People of the state of New-York, repre-* ^{Certain} ^{alterations} ^{in the route} ^{authorised,} ^{and how.} *ented in Senate and Assembly*, That it shall and may be lawful for the president and directors of said road, to call on three of the judges of the court of common pleas of the county of Schoharie, not interested therein, whose duty it shall be, to survey, lay out, and direct such alterations in the route of said road, and of the width of four rods, as they or a majority of them shall judge to be

for the good of the public and for the interest of the company: *Provided*, Said alterations, taken together, shall not exceed two and an half miles in length, and that the said alterations shall in no place within two miles of the Schoharie creek exceed twenty rods.

Proviso.

Lands how taken possession of for such alterations.

II. *And be it further enacted*, That when the said several alterations are marked out and designated, it shall and may be lawful for the president and directors aforesaid, to enter and take possession of the same, after paying the owner or owners of the lands, such compensation as shall be agreed on between the parties, by exchange of those parts of the present route as shall be rendered useless to said company, or otherwise; and in case of disagreement, or if the owner or owners shall be *feme covert* under age, or out of the county, the damages, if any, shall be appraised by the judges, who are authorised to make the before mentioned alterations.

Alterations declared vested in corporation.

III. *And be it further enacted*, That when the said president and directors shall have completed the said alterations in the form and manner pointed out in their original act of incorporation, then the same is hereby declared to be vested in said company as part of their turnpike road.

Additional assessments or calls on the stock authorised.

IV. *And be it further enacted*, That in order to enable the president and directors aforesaid, to accomplish the before mentioned objects, that a sum not exceeding two dollars may be assessed on each and every share of stock which may be holden by any stockholder of said company, payable at such times and places as the said president and directors shall appoint, by a notice to be inserted once in each week, for ten weeks successively, in a newspaper printed in the city of New-York and Albany, and if any stockholders shall refuse or neglect to pay their said assessment, for six months after the time of payment, mentioned in the said notice, then and in that case, the said stock which they may hold shall be forfeited for the use of the said company: *Provided always*, That no such assessment shall be made without the previous assent in writing, certified by a judge of any court of common pleas, or justice of the peace, of so many of the stockholders of the said company, as hold together the major part of the whole amount of the capital stock of the said company.

Proviso.

New stock to be issued.

V. *And be it further enacted*, That it shall be lawful for the said president and directors of said company, after the aforesaid alterations shall be completed, and the aforesaid assessment made and collected, to call in the old stock of said company and issue new in its stead.

A gate, where to be erected.

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors, to erect a gate on the westerly part of said road, and demand and receive half as much toll at said gate as they are entitled to take at any gate on said road.

[*Note*.—The Schoharie Turnpike Road Company was incorporated April 5, 1802, *vide* W. v. 3. 137. W. v. 4. 269, 422.—It was afterwards, March 13, 1807, *divided* into two branches, *vide* W. v. 5. 38; and also, *sess.* 36. ch. 197.]

CHAP. CCVII.

An ACT to amend an act, entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Athens."

Passed April 15, 1814.

WHEREAS by the petition of the trustees of the village of Athens, it is represented to the legislature, that the act, entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Athens," passed April 2, 1805, is incompetent for all the purposes therein contained : Therefore,

Recital.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That any justice of the peace of the county of Greene, residing in the said village of Athens, any freeholder or inhabitant of said village, shall be and are hereby declared competent respectively, to try, serve as jurors, or give testimony in any cause, wherein the said trustees are parties, notwithstanding any remote interest they may have in the event of such suit, as members of the corporation of said village; and that in all cases where the trustees of said village of Athens shall prosecute by virtue of their act of incorporation hereby amended, or by this act, it shall be sufficient for them to declare generally, that the defendant is indebted to them, to the amount of twenty-five dollars, or under, and give any special matter in evidence under such declaration.

Justices in Athens declared competent to try certain causes, and the inhabitants declared competent jurors and witnesses.

II. *And be it further enacted,* That the trustees of the said village of Athens shall have power to regulate (from time to time, as they may deem proper) the assize of all bread offered for sale in said village, and to enforce the same by suitable penalties, to be recovered as is directed in the act hereby amended, and by this act.

Regulations as to bread.

III. *And be it further enacted,* That the assessors of the said village of Athens, shall assess the taxes which shall hereafter be legally laid upon the inhabitants of said village, and upon the owners of real estate, lying within the same, both residents and non-residents, according to the provisions of the act hereby amended, respect being had to the probable advantages which will result to the individuals respectively, from the improvements contemplated to be made by such tax.

Taxes how assessed.

IV. *And be it further enacted,* That the person in possession of any real estate in the said village, at the time any tax is to be collected, shall be liable to pay the tax assessed thereon; and in case such person is not bound by agreement, or otherwise, to pay such tax, or any part or proportion thereof, he or she shall or may recover the same amount from the owner of such real estate, or other person, whose duty it was to have paid the same, and all taxes upon any real estate in said village shall be a lien thereon.

Occupants liable to the taxes, but may sue the owners, &c. if liable to pay.

V. *And be it further enacted,* That in case any tax assessed upon the owner of any real estate, lying in said village, cannot be collected by distress of personal property, in possession of the occupant, or in case no person shall be in possession of such real estate, then, and in that case, it shall be lawful for the said trus-

Taxes on real estate how collected.

Land may be sold.

Notice of sale

tees of the village of Athens, and their successors, to cause so much of the real estate, so charged with such tax, to be sold at public vendue, at the court-house in the county of Greene, for the lowest term of time that any person or persons shall offer to take the same, in consideration of advancing the sum assessed, and the expenses thereof, giving six months notice of such sale, in one of the newspapers printed in the county of Greene, and in the newspaper printed by the printer to this state; and to execute to the purchaser or purchasers, a sufficient conveyance for the same; and said purchaser or purchasers, his, her or their executors, administrators and assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his, her or their own proper use, against the owner or owners thereof; and all persons claiming under him or them, until his, her or their term thereof shall be fully complete and ended, being at liberty to remove all the buildings and improvements which he, she or they, shall erect or place thereon.

Village declared a road district.

Trustees to have the charge of said district.

To alter or shut up streets, &c.

VI. *And be it further enacted*, That the village of Athens, as described in the act incorporating the same, be and the same is hereby constituted a road district, and that the same be exempt from the superintendence of the commissioners of highways of the town to which said village belongs, or may hereafter belong; and the said trustees of the village of Athens shall have all the powers over the said road district, and discharge all the duties which by law are given to, or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals: *And further*, The trustees of the said village of Athens, for the time being, shall have power, on application of the owner or owners of lands adjoining any of the alleys, lanes or streets, laid out in said village, and not improved or used as such, to alter or forever shut up the same, or any part or parts thereof, if the said trustees, or a majority of them, shall deem such altering or shutting up conducive to the health of the inhabitants, or for the public good of said village; and such alteration or shutting up of any of such alleys, lanes or streets, or parts thereof, on the application as aforesaid, shall be entered of record by the said trustees, and shall be final and conclusive, and not subject to a reversal, without the consent of all the proprietors of the lands adjoining the said alleys, lanes or streets, so altered or shut up as aforesaid.

[*Note*.—Athens was incorporated April 2, 1805, *vide* W. v. 4, 121.—This act provides for a difficulty in trying causes arising from a decision of our supreme court, and also extends the powers of the trustees.]

CHAP. CCVIII.

An ACT establishing and regulating a Ferry across Lake Champlain, in the town of Crown-Point,

Passed April 15, 1814.

S. Rome authorized to

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Sa-

Samuel Renne, of the town of Crown-Point in the county of Essex, keep a ferry across Lake Champlain, that is to say : From the landing of the said Samuel Renne, in the town of Crown-Point, to Bridport, in the state of Vermont, for and during the term of ten years, to be computed from the first day of September next.

keep a ferry over Lake Champlain.
For 10 years from Sept. 1, 1814.

II. *And be it further enacted*, That Samuel Renne and his assigns, shall, if they shall set up a ferry by virtue of this act, erect a convenient dock on the landing-place, if not already erected, on that part of the land of the said Samuel Renne, in the town of Crown-Point aforesaid, as shall be most suitable for the purpose ; and shall, during the term aforesaid, keep a good and sufficient ferry-boat, capable of carrying four horses, and ready, at all reasonable times and seasons, to transport and ferry across the said lake, persons, goods and chattels.

His duty.

III. *And be it further enacted*, That the court of common pleas of the county of Essex, in their sessions may and shall annually order, direct and determine, the several rates of the said ferry, and the several hours in each day, that the boats of the said ferry shall be kept in readiness.

Power of the common pleas of Essex.

IV. *And be it further enacted*, That if the above named Samuel Renne, or his assigns, or any ferryman or person, employed by them, shall take, exact or receive, any greater or higher rates for transporting any person or persons, goods and chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid, limited or established, he or they, so offending, shall forfeit and pay for every such offence, the sum of three dollars, to be recovered in any court within this state, having cognizance thereof, by any person who shall sue for the same.

Rates of ferryage.
Penalty.

V. *And be it further enacted*, That if any person or persons shall, after the first day of September next, set up, keep or maintain a ferry, or shall carry or transport any person or persons, goods and chattels, for hire or pay, across the said lake, within one mile south of the creek in Crown-Point, commonly known by the name of Putnam's creek, across the waters of Lake Champlain, other than the said Samuel Renne, or his assigns, such persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered in any court within this state, having cognizance thereof, by any person who shall sue for the same :—*Provided always*, That nothing herein contained shall be construed to exclude any person or persons living or inhabiting on the bank of said lake, within the limits aforesaid, from the right of carrying themselves, their goods and chattels, respectively, in their own boats, without paying any rates of ferryage.

Penalty on others for ferrying, &c.
Proviso.

VI. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the said county of Essex, that the said Samuel Renne, or his assigns, shall neglect to comply with the directions of this act, in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge, that all the privileges granted to him or his assigns under this act, who shall be so in default, shall cease and be of no effect.

When this act to cease for misuser, &c.

[Note.—See note to chapter 174.]

An ACT establishing the line between the towns of Stamford and Roxbury, in the county of Delaware.

Passed April 15, 1814.

The division
line between
Stamford and
Roxbury es-
tablished.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the line run by Philip Walker, jun. about the year one thousand eight hundred and one, from the eight mile tree in the division line between lots number forty and forty-one in the Hardenbergh patent, to the high peak of mountain, near the head of Rose's brook, shall be and remain the division line between the towns of Stamford and Roxbury, in the county of Delaware.

[*Note.*—For the former bounds of Roxbury and Stamford, see V. N. & W. v. 2, 61.]

CHAP. CCX.

An ACT for the relief of the heirs of Abijah Wilson, deceased.

Passed April 15, 1814.

Recited.

WHEREAS Abner Wilson, surviving administrator of the estate of his brother, Abijah Wilson, late of Hamburg, in the county of Niagara, deceased, hath, by his petition presented to the legislature, set forth, that the said Abijah, in his life-time, viz. on or about the first day of June, in the year of our Lord one thousand eight hundred and twelve, entered into a contract with one Robert Porter, Esquire, for the sale of a certain farm of land, of which he died seised, situate in the county of Steuben, and distinguished as lot No. 39, in township No. 6, in the third range of townships in the said county of Steuben, containing one hundred and sixty acres of land; by which contract, the said Robert was to pay to the said Abijah, one thousand dollars in one year from the date of the said contract, and on the payment of which the said Abijah covenanted to execute and deliver to the said Robert a good and sufficient warrantee deed for the said lot of land: *And whereas*, The said Abijah, in his life-time, purchased the assignment of a contract for two hundred acres of land, in the town of Hamburg, in the said county of Niagara, on which said contract one instalment will become due on or about the twentieth day of April, eighteen hundred and fourteen, and which said contract will become forfeited unless the said instalment should be then paid: *And whereas*, It appears that the said Abner, surviving administrator as aforesaid, has not sufficient assets for the payment of the instalments which will become due as aforesaid, and to enable him to comply with said contract:—
Therefore,

*A. Wilson
authorized to*

1. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful*

for the said Abner, surviving administrator as aforesaid, to execute and deliver to the said Robert, a good and sufficient warranty deed, according to the tenor and effect of the said contract, the said described lot of land, situate in the said county of Steuben, on the full payment of the consideration money therein mentioned: *Provided however*, That the said conveyance shall not affect any right of dower which the widow and relict of the said Abijah may have, in and to the said premises.

II. *And be it further enacted*, That the said Abner, surviving administrator, as aforesaid, shall, before he enters upon the execution of this act, give a bond, with two sufficient sureties, to the surrogate of the county of Niagara, in the penal sum of two thousand dollars, conditioned for the faithful appropriation of the money to be received from the said Robert, according to the true intent and meaning of this act.

[*Note*.—This act requires no remark.]

CHAP. CCXI.

An ACT to annex part of the town of Greenland, in the county of Greene, to the town of Saugerties, in the county of Ulster.

Passed April 15, 1814.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the town of Greenland, in the county of Greene, lying to the eastward of a certain line beginning in the south bounds of said town of Greenland eighty chains, south eighty degrees west from the southeast corner thereof, and to run from thence north twenty-four degrees east to the Caderskill, thence down the same to the east bounds of said town, be annexed to, and from and after the passing of this act, shall form a part of the town of Saugerties, in the county of Ulster; and that the remaining part of said town of Greenland shall be a town by the name of Hunter.

[*Note*.—For the former bounds of *Saugerties*, see V. N. & W. v. 2. 58.—*Greenland* was erected as a town, January 27, 1813, from a part of Windham, see V. N. & W. v. 2. 120, 121.]

CHAP. CCXII.

An ACT for the relief of the infant heirs of Andrew Cole, deceased.

Passed April 15, 1814.

WHEREAS it is represented to the Legislature, that Andrew Cole died about two years since, seised of about one hundred acres of land in the town of Hosack, which land is almost destitute of wood and timber, and is subject to an annual rent of

twenty bushels of wheat to an hundred acres, and at the time of his decease left seven infant heirs, to wit, Amy Cole, Phebe Cole, Andrew Cole, Slade Cole, Rebecca Cole, Milly Cole and Anna Cole, the youngest of which is four, and the eldest sixteen years old; and that from the amount of rent, scarcity of wood and timber on the said premises, and the expense and difficulty of procuring proper persons to cultivate and manage the same, that it is for the interest of the said heirs that the same may be sold, and that the amount of the consideration might be vested in such manner as to afford a more certain and larger fund for the support and education of the infants, than can be obtained from said land: Therefore,

J. Slade, G. Wood and J. Eldred, authorised to sell and convey certain estate.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Joseph Slade, Gardner Wood and James Eldred, guardians to the said infant heirs, are hereby authorised to sell and convey, for the best price they can obtain, all the estate and interest whereof the said Andrew Cole died seised in the said land, which conveyance shall be effectual to vest the title of the same in the purchaser or purchasers thereof: *Provided,* That no such sale shall be made, or conveyance executed, for any such lands by virtue thereof, until the approbation of the Chancellor of this state shall be obtained to the same, and until the said Joseph Slade, Gardner Wood and James Eldred, shall have executed a bond to the said infants, in such sums as the Chancellor shall require, with sufficient sureties, to be approved of by him, well and faithfully to account to the said infants, their heirs, executors or administrators, or any person or persons legally authorised to require the same, for the monies which they may receive in payment for the said land, and to appropriate the same under the order and by the direction of the said Chancellor,

Proviso.

Bond to be given.

[*Note.*—This act requires no remark.]

CHAP. CCXIII.

An ACT for the relief of the town of Dansville, in the county of Steuben,

Passed April 15, 1814.

Certain poor monies to be divided.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the overseers of the poor of the towns of Bath, Dansville, Canisteo, Howard and Conhocken, in the county of Steuben, shall meet at the house of Howell Bull, in Bath, on the first Tuesday in May next, at four o'clock in the afternoon of the same day, and that a majority of the overseers of the poor so met, shall divide the monies and poor belonging to the said towns respectively, as contemplated by the act, entitled "an act for dividing the towns of Bath and Dansville, and erecting two new towns in the county of Steuben, by the name of Conhocken and Howard," passed the eighteenth day

of June, one thousand eight hundred and twelve, and each of the said towns respectively shall forever thereafter maintain their own poor.

II. *And be it further enacted*, That should any of the said overseers of the poor refuse or neglect to comply with such distribution made as aforesaid, such overseer or overseers shall forfeit and pay to the overseers of the poor of such town as shall be injured by such neglect or refusal, twenty-five dollars for every month they shall so neglect or refuse, to be sued for and recovered by and in the name of the said overseers of the poor, by action of debt in any court having cognizance thereof, with costs of suit.

Penalty on the overseers of the poor neglecting to comply with distribution.

III. *And be it further enacted*, That the said overseers of the poor of the said several towns, at their meeting as aforesaid, or a majority of those who may meet, shall ascertain what sums of money may have been necessarily expended since the thirty-first day of March, one thousand eight hundred and thirteen, and until the first Tuesday in May next, by the overseers of the poor of the town of Dansville, in the maintenance of such of the poor of said town as may, by such division as shall be made by virtue of this act, belong to any other town; and having so ascertained the same, shall direct what towns, and how much each town shall pay of the said sum, with the interest from the time of the expenditures; which sum or sums the said overseers of the poor of such town or towns as may be thus indebted, shall pay to the said overseers of the poor of the town of Dansville, and in default whereof, due notice having been given, the said overseers of the poor of the town of Dansville may, by action of debt, sue for and recover from the overseers of the poor so in default, such sum or sums as they may be entitled to as aforesaid, with costs of suit.

Certain expenses to be ascertained.

What each town is to pay.

[*Note*.—The act referred to in the first section, is sess. 35. ch. 186. The last section of that act not having been carried into effect, rendered the provision in the first section of this act necessary.]

CHAP. CCXIV.

An ACT for the preservation of the fishery in Salmon river.

Passed April 15, 1814.

WHEREAS it has been represented, that by reason of persons fishing near the mouth of Salmon river, in the county of Oneida, upon a bar therein, the salmon are diverted from their course up the said river, to the great injury of the fishery therein; Therefore,

Recital.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to draw any seine, set any net, make any weir, or use any spear or other contrivance whatever, for the purpose of taking salmon in Salmon river, below the west line of lot number fifty, on the Belkirk tract, and every person offending therein

Certain restrictions as to the fishery in part of Salmon river

Penalty.

shall for every such offence forfeit twenty dollars, and for each and every fish which he shall or may take, such person shall forfeit the additional sum of five dollars to be recovered with costs of suit, in any court having cognizance thereof, the one half of which forfeitures, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be had, to be applied to the repairing of the roads in said town.

[*Note*.—See *Note* to chapter 146.]

CHAP. CCXV.

An ACT for opening and making a Road from the town of Jay, to intersect the road from Hopkinton to Northwest Bay.

Passed April 15, 1814.

Comm'n's. for opening a certain road, &c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Reuben Sandfort, Charles Owen and James McIntyre, be and they are hereby appointed commissioners for laying out, opening and improving a road, from or near the dwelling-house of Charles Owen, in the town of Jay, in the most convenient and practicable route, to or near the dwelling-house of Malcom McMartin, in the town of Keene, who shall before they enter upon the duties of their appointment, execute a bond to the people of this state in the sum of four thousand dollars, with sureties to be approved of by the Comptroller, conditioned for the faithful expenditure of all money which shall come into their hands pursuant to this act, according to the true intent and meaning thereof, and to account with the Comptroller for the expenditure, whenever thereto required; which bond shall be filed in the Comptroller's office.

To give bond

2000 dollars appropriated

II. *And be it further enacted,* That for the purpose of laying out, opening and making of the said road, the sum of two thousand dollars be appropriated; and the commissioners of the land office shall without delay sell, in such manner and for such price as they may deem proper, so much of the lands belonging to the people of this state in the Eastern district, as will be sufficient to satisfy the said appropriation, which, when received into the treasury of this state, shall be paid on the warrant of the Comptroller to the order of the said commissioners, or a majority of them.

Compensation to the commissioners.

III. *And be it further enacted,* That the said commissioners shall be entitled to two dollars a day, and no more, for their services and expenses whilst necessarily engaged in the duties of their appointment.

[*Note*.—The *Elba Iron Furnace* is situate in Keene, and this road is of importance in facilitating the transportation of iron, &c. and promoting the settlement of the country.]

CHAP. CCXVI.

An ACT to incorporate the Dutchess County Insurance Company.

Passed April 15, 1814.

WHEREAS Jesse Oakley, James Tallmadge, junior, and others, have associated themselves as a company, for the purpose of insuring buildings and personal property from loss or damage by fire, as well as for making marine and other insurance, and by their petition presented to the Legislature, have prayed to be incorporated, the better to enable them to carry into effect the salutary objects of their association: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons as now are or hereafter may be associated with them, shall and are hereby declared to be a body corporate and politic, in name and in fact, by the name and style of "the Dutchess county insurance company," and that they and their successors, by such name, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever, and also of contracting and being contracted with relative to the purposes and business for which the said corporation is hereby created, as hereafter declared; and the said corporation shall and may have a common seal, and may destroy and renew, or alter the same at their pleasure.

II. *And be it further enacted,* That the capital stock of the said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and the whole of the said shares shall, under the direction of the president and directors of the said company, be subscribed, and one fourth part of the amount of the capital hereby created, shall be actually paid, or satisfactorily secured to be paid, before the said corporation shall be authorised to make any policy or contract of insurance whatsoever; and that it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments made thereon, to the said company, always however giving sixty days previous notice of such call and demand, in the newspapers published in the village of Poughkeepsie.

III. *And be it further enacted,* That the stock, property and concerns, of the said corporation, shall be managed and conducted by thirteen directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall be chosen on the first Monday in January in each and every year, at such time of day, and in such place in the village of Poughkeepsie, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in the newspapers printed in the village of Poughkeepsie, at least ten days previous to such

Recital

Corporation created and general powers.

Capital stock

Calls thereon

Notice required.

Board of directors, and how chosen, &c.

election; and such election shall be holden under the inspection of three stockholders, to be appointed by the directors, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share, and the stockholders not present may vote by proxy, and the votes be given by citizens of the United States inhabiting this state.

President to be chosen.

IV. *And be it further enacted*, That the directors so to be chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year; and in case of the death, resignation or inability to serve, of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and the first directors shall be Jesse Oakley, George B. Everton, James Emott, James Tallmadge, junior, William Davies, Nathan Myers, Henry A. Livingston, Henry Davis, John Brush, Randall S. Street, Paraclete Potter, John Forbus and John Radcliff, one of whom the said directors shall elect by ballot as the first president; and they shall respectively hold their offices until the first Monday in January next.

First directors.

Election of directors may be made on any day.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Transfer of stock.

VI. *And be it further enacted*, That the stock in the said corporation shall be assignable and transferable, according to such rules as the president and directors shall make and establish; and no stockholder indebted to the said company shall be permitted to make a transfer, or receive a dividend, until such debt be paid, or secured to be paid, to the satisfaction of the president and directors.

Powers of the board of directors.

VII. *And be it further enacted*, That the president and directors shall have power and authority, in the name and on behalf of the said corporation, to make all kinds of insurance against fire, all kinds of insurance upon the inland transportation of goods, wares and merchandize, all kinds of marine insurance, and insurance upon life or lives, by way of tontine or otherwise, and generally to do and perform all matters and things relating to the said objects; and all policies shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in the like manner, and with the like force, as if under the seal of the said corporation.

Restriction as to estate held by the corporation.

VIII. *And be it further enacted*, That the lands tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as have been or may be bona fide mortgaged to the said corporation by way of security, or which may be con-

veyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation, as aforesaid, except such as may be for its immediate accommodation, or such as it may hold by way of mortgage, and whereof the actual possession shall be in the mortgagors, the said corporation shall as soon as they can conveniently sell and convert the same into money or other personal property.

IX. *And be it further enacted*, That the president and directors, for the time being, shall have power and authority to appoint and employ a secretary, and such other officers, ministers and servants, as they may think proper for the transaction of the business and concerns of the said corporation, and to allow and pay them such compensation as they shall see fit, and to vary such compensation, and to displace such officers and servants at pleasure; and also, to make and establish such bye-laws, rules and regulations as they or a major part of them shall think expedient, for the better management and government of the concerns, and officers and servants of the said corporation, so that such bye-laws, rules and regulations be not inconsistent with the constitution and laws of this state or of the United States, and to abolish or alter such bye-laws at pleasure, and to declare and make dividends of the profits accruing to the said corporation by such business as they may lawfully follow and transact among the stockholders, and at such times and in such portions, as to them shall seem meet.

Secretary and other officers to be chosen.

Power to make bye-laws.

X. *And be it further enacted*, That in case of any loss or losses, whereby the capital stock of the said corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation, shall have been added to the capital.

Dividends in case of losses.

XI. *And be it further enacted*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatsoever; or, in buying or selling any stock created by any act of the congress of the United States, or of any particular state, unless in buying the same in order to invest its capital stock, or any part thereof, by way of securing the said capital stock, or in selling the same for the payment of its debts, or to re-invest in other stock when truly pledged to it by way of security for debts due to the said corporation: *And further*, it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contracts for the payment of money only, except the same be under the seal of the corporation, and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.

Restriction as to trading in stock, &c.

And as to banking.

XII. *And be it further enacted*, That the president may sign any policy or contract, and cause the secretary to attest and sign the same in such manner as to be valid against and to bind the

Policies when binding.

said corporation; without the presence of a board of directors, provided the same is done under and in conformity to a bye-law of the corporation, which may have been made and ordained for that purpose.

Duration of
act.

XIII. *And be it further enacted*, That the duration of the corporation created by this act shall be twenty years and no longer.

Declared a
public act.

XIV. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the end and purpose hereby intended and contemplated.

[*Note.*—This act requires no remark.—Its object is laudable, and the legislature have very properly given it their sanction.]

CHAP. CCXVII.

An ACT for the relief of Henry Burhans.

Passed April 15, 1814.

Recital.

WHEREAS it appears that Henry Burhans is in possession of a farm of land, situate in Catskill, in the county of Greene, of which William Van Orden Dumond was seised of an undivided portion, which portion the said Henry Burhans purchased for a valuable and full consideration, without a knowledge of any defect of title: *And whereas*, It appears that the said William Van Orden Dumond was indicted and convicted of the crime of adhering to the enemies of this state during the revolutionary war, and judgment was rendered against him in January term, 1782, and the judgment signed after the signing of the preliminary articles of peace: *And whereas*, The said Henry Burhans has himself made discovery of the claim or title of the people of this state to the share or interest of the said William Van Orden Dumond, of and in the premises; and inasmuch as it is inexpedient for the people of this state to assert a title and divest the bona fide purchaser of his estate in the premises: Therefore,

Certain es-
tate granted
to H. Bur-
hans.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the estate, right, title and interest, of the people of this state, of, in and to that farm of land, situate in the town of Catskill, in the county of Greene, in the possession of Henry Burhans, junior, son of the said Henry Burhans, be, and hereby is granted to the said Henry Burhans, his heirs and assigns forever: *Provided*, The said Henry Burhans shall pay, or secure to be paid, to the people of this state, such sum as the surveyor-general shall, under all the circumstances, think reasonable and just.

Proviso.

[*Note.*—This act requires no remark.]

CHAP. CCXVIII.

An ACT to enable certain persons therein named to purchase and hold real estate.

Passed April 15, 1814.

*BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That William Jones, Henry Waller, Daniel M'Given, James Maginness, Samuel Maginness, John Bowers, William Lee, Robert M'Donald, John Dolan, Edward Campbell, Francis Toole and Mary Toole his wife, Margaret Toole, John Toole, Mary Toole, Catharine Toole, Elizabeth Toole, Isabella Toole, Adaline Toole, Clementine Toole and Anna Toole, children of the said Francis and Mary, and Archibald Watt, shall be, and hereby are enabled to take real property in this state, either by descent or purchase, and to hold or dispose of the same, in like manner as natural born citizens: *Provided always*, That nothing herein contained shall be construed to confer on them any other rights appertaining to natural born citizens, except those of taking, holding and disposing of real property within this state, upon their respectively taking the oaths of allegiance to the people of this state, and of abjuration to every prince, potentate and state whatsoever, and filing a certificate thereof in the office of the secretary of this state.*

Certain
aliens en-
abled to hold
real estate.

Proviso.

[*Note.*—This act met with considerable opposition in the Senate. Several names introduced in the bill in the Assembly were stricken out in the Senate, but eventually some were restored, and on the suggestion of the Hon. Morgan Lewis, Esquire, one of the Senate, that part of the *proviso*, requiring the persons named in the bill, to take the oath of allegiance and abjuration, was inserted, and passed.]

ERRATA.

- Chap. 1, sec. 8, line 11, after *affect*, insert *impair*.
— 38, sec. 1, line 3, for *Tyerck*, read *Tjerck*.
— 38, sec. 1, line 13, for *years*, read *acres*.
— 42, sec. 3, line 5, for *thereafter*, read *hereafter*.
— 52, sec. 3, line 7, for *John A. Cumming*, read *John N. Cuituning*.
— —, sec. 3, line 13, for *encouragements*, read *engagements*.
— 56, sec. 1, line 7, after *Oothoudt's patent*, insert *in the northwest corner of Oothoudt's patent*.
— 72, title, for *Newton*, read *Newtown*.
— 77, sec. 1, line 12, for *even*, read *ocea*.
— 78, sec. 5, line 6, after *as*, dele *is*.
— 85, sec. 2, line 4, for *Cole*, read *Coe*.
— 97, recital, line 1, for *Cornelius*, read *Cornelia*.
— 111, sec. 1, line 9, for *mine*, read *mine*.
— 113, recital, line 9, for *resident*, read *president*.
— 133, sec. 1, line 13, after *such*, insert *real*.
— 144, sec. 4, line 5, after *chosen*, insert *and no longer ; which directors shall be chosen*.
— 152, sec. 5, line 2, for *Brooking*, read *Brookins*.
— 168, sec. 6, line 4, after *other*, insert *person*.
— 181, recital, line 2, after *fifty*, insert *five*.
— 192, sec. 9, line 18, for *officers*, read *offices*.
— —, sec. 22, line 5, after *such*, insert *false*.
— 198, sec. 2, line 7, for *of*, read *by*.

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-EIGHTH SESSION
OF THE
LEGISLATURE,

**BEGUN AND HELD AT THE CITY OF ALBANY, THE TWENTY-
SIXTH DAY OF SEPTEMBER, 1814.**



Albany :
PRINTED BY J. BUEL, PRINTER TO THE STATE.
.....
1815.

L A W S
OF THE
STATE OF NEW-YORK,

PASSED AT THE THIRTY-EIGHTH SESSION OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, SEPTEMBER 26, 1814.

CHAP. I.

An ACT to amend an act, entitled "An act to incorporate the New-York Manufacturing Company."

Passed September 26, 1814.

WHEREAS the president and directors of the New-York Manufacturing Company have, by their memorial presented to the legislature, set forth that they cannot invest and keep employed in the manufacturing establishment contemplated in and by the act which this act is intended to amend, more than the sum of three hundred and fifty thousand dollars with advantage to the interest of the said establishment, and have prayed that the said act may be so amended as that they shall not be required to invest and keep employed, a greater sum than three hundred and fifty thousand dollars in the said manufacturing establishment; and have further prayed that they may work up such wire, as may not be suitable for cards, into other articles: *And whereas* the said prayer appears reasonable: Therefore,

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president and directors of the New-York Manufacturing Company shall not be required or obliged, to invest more than the sum of three hundred and fifty thousand dollars in the manufacturing establishment contemplated in and by their act of incorporation, in lieu and stead of the sum of five hundred thousand dollars directed by the said act: *Provided,* that it shall not be lawful for the said president and directors of the New-York Manufacturing Company, either directly or indirectly, to use or employ, or cause or permit to be used or employed, any part of the said sum of five hundred thousand dollars, or any further part of the capital stock or other monies or funds whatever, than the sum of five hundred thousand dollars for that purpose mentioned and limited in and by the eleventh section of the said act hereby amended, in the business of banking, or in or for any business, operation or purpose whatever, except only such as are designated or authorized by the tenth section of the act hereby amended: *Provided,* that the capital stock of the said company

Preamble.

500,000 doll.
in the man-
ufacturing es-
tablishment.

Proviso.

shall be reduced the amount of one hundred and fifty thousand dollars ; and if the whole capital of the said bank shall have been called in, then the amount above mentioned shall within six months be repaid to the stockholders.

Wire unsuitable for cards may be used for other purposes.

II. *And be it further enacted*, That the said corporation shall be and hereby are authorized to work up all such wire as may be manufactured by them, and as may not be suitable for using in the manufacturing of cards into any articles made principally of wire for which the said wire may be suitable, and to sell and dispose of the said articles for and on account of the said corporation.

CHAP. II.

An ACT to prevent the apprehension of British Deserters.

Passed October 14, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That if any person or persons, within this state, shall apprehend, arrest or detain, or shall assist, aid or abet in the apprehension, arrest or detention of any British deserter or deserters, knowing him or them to be such, and with intent to return him or them to the enemy, such person or persons, on being thereof convicted, shall be deemed guilty of felony, and shall be sentenced to imprisonment in the state prison for the term of ten years.

CHAP. III.

An ACT to raise a sum of money in the town of Half-Moon.

Passed October 14, 1814.

WHEREAS the freeholders and inhabitants of the town of Half-Moon, in the county of Saratoga, have by their petition set forth, that by the extraordinary freshets during the current year, many important bridges in said town have been swept away, to the great injury of the public traveller, as also to the inhabitants of said town : *And whereas* by the report of the commissioners of highways of said town, it appears that the sum authorized to be raised by the supervisors of the county, is wholly inadequate to the repairing of said bridges : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the town clerk of the town of Half-Moon aforesaid, on the application of any twelve freeholders of said town, to notify a meeting of the freeholders and inhabitants of said town, in the manner directed by the sixteenth section of the act, entitled "An act relative to the duties and privileges of towns," passed the nineteenth day of March, one thousand eight hundred and thirteen ; and it shall be lawful for the freeholders and inhabitants of said town, when convened in pursuance of such notice, to vote to be raised by tax, on

the rateable property of said town, a sum of money for the purposes aforesaid, not exceeding six hundred dollars, which said sum shall be assessed by the assessors of said town for the current year, and collected under a warrant from the supervisor of said town by the collector thereof, and by him paid over to the commissioners of highways of said town, to be by them laid out and expended in rebuilding the said bridges carried away as aforesaid; and if any part of the said sum of money shall remain in the hands of the said commissioners after the rebuilding of the said bridges as aforesaid, or at the next annual town meeting of said town, said commissioners shall pay the same over to their successors in office, to be by them expended in completing the objects contemplated by this act.

CHAP. IV.

An ACT for the Collection of Taxes for the county of Kings.

Passed October 14, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the supervisors of the respective towns of the county of Kings may deliver their warrants and tax lists to the several collectors for the collection of taxes in said county, by the first Tuesday of November in the present year; and that the collectors of the several towns in said county shall settle their accounts with the treasurer of the aforesaid county, on or before the first Tuesday in February, in the year one thousand eight hundred and fifteen.

CHAP. V.

An ACT to amend the act, entitled "an act concerning Quit-Rents."

Passed October 14, 1814.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That hereafter all lands and grants liable to be sold for arrears of quit-rent, shall be noticed for sale, and be sold in the following manner, and on the following conditions, and not in the manner prescribed in and by the act hereby amended: The comptroller shall cause as many lists or statements of the lands and grants liable to be sold, from time to time, for arrears of quit-rents, showing the amount due for arrears on each parcel of land and grant, to the last annual day of payment, to be printed, as shall be sufficient to furnish each county clerk, each county treasurer, and each city chamberlain in this state, with five copies, and each town clerk with five copies, and shall thereupon transmit the said copies for the said county treasurers and said city chamberlains, to such county treasurers and city chamberlains, and the said copies for the said county clerks, and for the town

Notices of sale for arrears of quit-rent, how to be given.

clerks in their counties respectively, to the county clerks respectively; and it is hereby made the duty of the said county treasurers and city chamberlains, to retain the said copies of lists or statements in their offices respectively, and to permit all persons at all reasonable hours, to examine the same free of expence; and it is made the duty of the said county clerks forthwith, on the receipt of the said lists or statements, to transmit to the several town clerk's offices in their respective counties, five copies thereof, and to retain in their offices respectively the remaining five copies; and the said county clerks respectively shall keep the said five copies of the said lists or statements in their offices, and permit all persons, at all reasonable hours, to examine the same free of expence; and the said town clerks respectively shall affix one of the said lists at some public place in the towns, and keep the others of the said lists in their offices, and permit all persons to examine the same as aforesaid, free of expence; and the said county clerks shall be entitled, for their services and expences in the transmission or delivery of the said lists or statements to the said town clerks, to fifty cents for each town clerk in their counties respectively, to be paid by the treasurer of this state on the warrant of the comptroller, on the production of receipts from the town clerks, of the delivery to them of the said copies; or in case of the absence of any town clerk, then of proof that the said lists were left at the office or dwelling house of such absent town clerk; and the comptroller shall forthwith, after the transmission by mail as aforesaid of said lists or statements, cause to be published in the newspaper printed by the printer to this state, and in four other newspapers in each of the great districts of this state, once a week, for seventeen weeks successively, a notice, that he will on a certain day, not less than twelve months from the date of his said notice, at the capitol, in the city of Albany, proceed to sell so much of the lands and grants described in the said lists or statements, as shall be sufficient to pay the arrears of quit-rent to the last annual day of payment preceding the day of sale, together with the costs of notice and of sale; and the comptroller shall on that day proceed to the selling as aforesaid, and shall continue such sale from day to day until the whole be sold, and shall give to the purchasers certificates of their purchases.

May be redeemed within two years.

II. *And be it further enacted*, That it shall be lawful for any one to redeem the land which shall be sold as aforesaid, at any time within the space of two years after the close of the sale, by paying into the treasury of this state for the use of the purchaser of such land, on the certificate of the comptroller, the amount for which such land shall have been sold, with interest at the rate of twenty per centum per annum.

If not redeemed, to be conveyed to the purchaser.

III. *And be it further enacted*, That if any land or grant shall remain unredeemed for the space of two years after the sale thereof, it shall be the duty of the comptroller to convey the same to the purchaser, his heirs or assigns, subject however to future quit-rents, and to all taxes then remaining due thereon; and the conveyance of the comptroller, under his hand and seal of office, and witnessed by the deputy comptroller, shall be conclusive evidence that the sale was regular, according to the provisions of this act; and eve-

ry such conveyance so to be executed by the comptroller, may be given in evidence, and be recorded in the same manner, and with the like effect, as a deed regularly acknowledged by the grantor before a justice of the supreme court, may be given in evidence and recorded.

IV. *And be it further enacted*, That it shall be lawful to redeem any undivided portion or part of lands, which may be sold in pursuance of this act. Undivided portions may be redeemed.

V. *And be it further enacted*, That when the lands of any one person shall be sold not only for the quit-rent due on such person's land, but also for the quit-rent due on the lands of others, all the owners shall bear the loss sustained by such person, in proportion to the amount of quit-rent due by them respectively, and the person whose land shall be so sold, shall be entitled to recover his said damages in any court of competent jurisdiction within this state. Loss, how to be portioned in certain cases.

VI. *And be it further enacted*, That the expence of printing said lists, and of their transmission by mail, and of the publication of the notices aforesaid, and of sale, shall be paid out of the treasury of this state, on the warrant of the comptroller. Printing, &c. how to be paid.

VII. *And be it further enacted*, That the comptroller shall add the expenses aforesaid to the quit-rents due on the lands which may be noticed for sale as aforesaid. To be added to the quit-rents.

VIII. *And be it further enacted*, That it shall be lawful for the comptroller to demand and receive the following fees; for every piece or parcel of land to be by him sold, under and pursuant to this act, fifty cents; for every piece or parcel of land to be redeemed, fifty cents; and fifty cents for every piece or parcel of land to be by him conveyed; and the said first mentioned fee shall compose part of the purchase money on the sale. Fees.

CHAP. VI.

An ACT relative to the next Term of the Supreme Court.

Passed October 14, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the next term of the supreme court shall be postponed until the twenty-sixth day of October instant, and that the said twenty-sixth day of October shall, to every intent and purpose whatsoever, be deemed the first day of the said term.

CHAP. VII.

An ACT for the Pardon of Michael Dwyer.

Passed October 21, 1814.

WHEREAS Michael Dwyer, otherwise called Michael Duyer, at a late court of oyer and terminer and jail delivery, held in and

for the county of Schenectady, was convicted of the murder of Jacob Ven, and sentenced to be executed on the last Friday of March next; and whereas his excellency the governor has laid before the legislature the report of his honor the judge who presided at the trial, by which it appears proper that said Michael be pardoned: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Michael Dwyer, otherwise called Michael Dyer, be, and he is hereby fully pardoned of the offence of which he stands convicted.

CHAP. VIII.

An ACT authorising additional pay to be made to the volunteers, and for paying the militia called into service by the state authority.

Passed October 21, 1814.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the governor shall cause to be paid to each non-commissioned officer, musician and private, of the volunteer corps, and to the legal representatives of those who may be deceased, raised in pursuance of general orders of March thirteenth, one thousand eight hundred and fourteen, for the time they were in actual service, a sum, in addition to his pay from the United States, sufficient to make the monthly pay of a sergeant fifteen dollars, a corporal and musician fourteen dollars, and a private thirteen dollars; provided, that no payment shall be made to any individual, or the legal representative of any individual, who shall have deserted at any period of the term for which he volunteered his services.

II. And be it further enacted, That the governor shall cause to be paid to each officer, non-commissioned officer, musician and private, of the militia who have been or may hereafter be called into the service by state authority, such sums as they would be respectively entitled to by law, if in the service of the United States.

III. And be it further enacted, That the comptroller shall draw his warrant on the treasury for such sums as the governor may require, for the payments authorised by this act, for all which sums an account shall be rendered to the comptroller, within six months after their payment.

CHAP. IX.

An ACT for building a Bridge over the Genesee river, between the towns of Genesee and Leicester.

Passed October 21, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful, and it is hereby made the duty of the treasurers of the counties of Ontario

THIRTY-EIGHTH SESSION.

and Genesee, severally, to pay unto Hugh McNair, Joseph W. Lawrence and John H. Jones, or any two of them, the sum of two thousand dollars, for the purpose of building a bridge over the Genesee river, between the towns of Genesee and Leicester; and that it shall be the duty of the said Hugh McNair, Joseph W. Lawrence and John H. Jones, or any two of them, to give a bond to the said treasurers to the amount of five thousand dollars, for the faithful discharge of their duty, as commissioners to build said bridge; and when said bridge is completed, they shall then settle and account with the respective boards of supervisors of the counties of Ontario and Genesee for the trust hereby reposed in them: *Provided nevertheless*, That before the said commissioners proceed to build said bridge, it shall be lawful, and it is hereby made the duty of Joshua Van Fleet and James Henderson, of the county of Ontario, and Parmenio Adams, of the county of Genesee, on being duly informed thereof, to repair to the place hereby assigned to build said bridge, and after being duly qualified, or sworn by some person duly qualified to administer oaths, they shall then proceed to ascertain and affix a site for, or where the said bridge shall be, where in their wisdom, they or a majority of them shall deem it best calculated for the public good: and further, the said Joshua Van Fleet, James Henderson and Parmenio Adams, or a majority of them, shall meet and determine on the site of said bridge, before or on the first day of December next; and it is hereby made the duty of the boards of supervisors of Ontario and Genesee, to audit and allow such accounts of the said Joshua Van Fleet, James Henderson and Parmenio Adams, as they on their oaths of office shall think they are justly entitled to for their services as aforesaid; and the said Joshua Van Fleet, James Henderson and Parmenio Adams, shall be paid for their services by the county to which they respectively belong.

CHAP. X.

An ACT for the relief of the trustees of the Presbyterian Church in the village of Geneva, in the county of Ontario.

Passed October 21, 1874.

WHEREAS Elijah Wilder, Gerrit L. Dox, Oliver Whitmore, ^{President} John Hall, John T. Chapman and David Field, Junior, as trustees of the presbyterian church of Geneva, in the county of Ontario, have represented that the incorporation of the said church is dissolved, and have prayed relief: Therefore,

I. *Be it enacted by the people of the state of New-York, re-* ^{Church is} *presented in Senate and Assembly,* ^{incorporated,} That the presbyterian church of Geneva, in the county of Ontario, be, and the same is hereby incorporated, with all the rights, powers, privileges and immunities, and subject to all the restrictions, rules and regulations contained in the act to provide for the incorporation of religious societies.

II. *And be it further enacted,* That Elijah Wilder, Gerrit L. ^{First} ^{trustees} Dox, Oliver Whitmore, John Hall, John T. Chapman, David Field, ^{1874.} Junior and David Cook, shall be the first trustees, and shall hold

their offices until the second Tuesday in August next, in whom and their successors all the temporalities of the said church are hereby vested, which shall hereafter be the anniversary day for the election of the trustees of the said church.

Accounts to be rendered.

III. *And be it further enacted*, That the trustees of the said church, shall annually render a just and true account of all the concerns of said society, and be accountable for all the funds falling into their hands as trustees of the said society.

CHAP. XI.

An ACT to amend the act, entitled "an act concerning the Commissioners of the Land Office, and the sale of the unappropriated lands," and for other purposes.

Passed October 21, 1814.

Certain lands—how to be sold.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all the lands which have been or shall be purchased for or on behalf of the state, by the attorney-general, pursuant to law, except in cases already provided for by law, shall be sold by the surveyor-general, under the direction of the commissioners of the land office, in such manner, and on such terms and conditions as to them shall appear to the interest of the state.

Lots to be repurchased on behalf of the state, how to be sold.

II. *And be it further enacted*, That in cases where the surveyor-general shall be directed, by the commissioners of the land office, to sell any lot or lots of land for the purchase monies due on such lots of land, and the sum or sums due on any such lot or lots for principal and interest, shall not be bid therefor, he shall purchase the same in for the state, at the amount so due, with the costs of sale, and may sell such lot or lots of land so purchased in by him for the state, to any person who may apply to purchase the same, always giving a preference to the last owner, provided he shall apply to purchase the same within three months after the sale, for the amount at which the same was purchased in for the state, on the like terms and conditions as he is authorised to sell the unappropriated lands of the state; or the commissioners of the land office may, at their discretion, cause a new appraisement to be made of any such lot or lots of land, and then the surveyor-general shall sell for the prices at which the lots may respectively be appraised.

Certain sections repeated.

III. *And be it further enacted*, That the third and fourth sections of the act, entitled "an act relative to the office and duties of the comptroller of this state," shall be construed to extend to, and apply to lands mortgaged to the people of the state for loans.

Banks to give notice of dividends.

IV. *And be it further enacted*, That it shall be the duty of the president and directors of all banks and other institutions in which the people of this state may own stock, whenever and as often as a dividend of interest or profits is declared on the stock of such banks or other institutions, to give notice to the comptroller of this state, of the amount due on the shares of the state in any such bank or other institution, for profits or interest.

V. *And be it further enacted*, That it shall not hereafter be ne-

necessary for the person administering the government of this state, to attend any meeting of the commissioners of the land office, and in all meetings hereafter to be had, the officer first named in the act hereby amended, and attending, shall preside as chairman.

The Governor or exempted from attending the land office.

CHAP. XII.

An ACT to encourage Privatizing Associations.

Passed October 21, 1814.

WHEREAS a barbarous warfare on our coast and frontiers, by pillage and conflagration, is carried on by the enemy, and a determination is avowed to lay waste our cities and habitations, and to make a common ruin of both public and private property, contrary to the usages of civilized warfare: Wherefore, it has become expedient and necessary, that the legislature should facilitate to patriotic citizens every efficacious means of defence and annoyance to the enemy; and whereas the uniting of a capital by means of patriotic associations, to be formed for fitting out at the expence of such companies, private armed vessels, to be licensed by the government of the United States, would contribute to the destruction of the commerce of the enemy on the ocean, and of her armed vessels on our coast, and would guard and protect the commerce of the United States, under such encouragement as shall be provided for by the government of the United States for that purpose: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That at any time during the present war, any five or more persons, who shall be desirous to form a company for the purpose of annoying the enemy of the United States, and their commerce, by means of private armed vessels, to be fitted out in conformity with the laws of the United States, at the expence and risk of such company, may make, sign and acknowledge, before a justice of the supreme court, or a judge of the court of common pleas, or the mayor or recorder of any city, within this state, and file in the office of the secretary of state, a certificate in writing, in which shall be stated, the corporate name of the said company and its object, and the amount of the capital stock of the said company, the number of shares of which the said stock shall consist, the number of directors and their names who shall manage the concerns of the said company for the first year, and the place where they shall carry on the concerns of the said company.

Companies how to be formed.

II. *And be it further enacted,* That as soon as such certificate, as aforesaid, shall have been filed, the persons who shall have executed the same, and their successors, shall, for the period expressed in such certificate, be a body politic and corporate, in fact and in name, by the name stated in such certificate, by which name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they

Their power.

and their successors may have a common seal, and the same may make, alter and change at their pleasure: and that they and their successors, by their corporate name, shall, in law, be capable of buying, purchasing, holding and conveying, any lands, tenements, hereditaments, goods, chattels, wares and merchandize whatsoever, necessary to enable the said company to carry on their operations authorized by this act.

Affairs how
to be managed.

III. *And be it further enacted*, That the stock, property and concerns of such company, shall be managed and conducted by a president and so many directors as are mentioned in their certificate of incorporation, who, except those for the first year, shall be annually elected, at such time and place as shall be directed by the bye-laws of the said company; and public notice shall be given thereof, not less than fourteen days previous thereto, in at least one newspaper printed in or nearest to the place where the business of the said company shall be carried on; and every such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and shall be by ballot; and each stockholder shall be entitled to as many votes as he owns shares of the stock of the said company, and that none but stockholders shall be eligible as directors, and the persons having the greatest number of votes, shall be directors; and the directors chosen at any such election, shall hold their first meeting as soon as conveniently may be thereafter, and shall at such meeting elect one of their number to be their president; and if any director shall at any time cease to be a stockholder in said company, his office shall be considered vacant: and as often as any vacancy or vacancies may happen among the directors, by death, resignation or otherwise, the place or places vacated shall be filled for the remainder of the year, by such stockholder as the remainder of the directors for the time being, or a majority of them, shall appoint: *Provided*, That the number of directors shall in no case be less than three nor more than twenty-one.

Election may
be made on
any day.

IV. *And be it further enacted*, That in case it shall at any time happen that an election of directors be not made by any company who shall have incorporated themselves according to the provisions of this act, on the day when by the laws of such company it ought to have been done, such company, for that cause, shall not be deemed to be dissolved, but it shall and may be lawful on any other day, to hold an election for directors, in such manner as shall be directed by the bye-laws of such company, within three months thereafter.

Powers of the
directors.

V. *And be it further enacted*, That the directors of every such incorporated company, or a majority of them, shall have power to appoint the time and place of all meetings for the dispatch of business; to appoint all such officers, agents and servants, as the directors, or a majority of them convened, may deem necessary for carrying into effect the objects of such company, and to make and establish such bye-law, rules, orders and regulations respecting the concerns of such company as they shall deem necessary for the well ordering the affairs of the said company: *Provided*, That such bye-laws shall, in no wise be inconsistent with the constitution and laws of the United States, or of this state: *Provided further*, That

Proviso.

a majority of such directors shall constitute a quorum to transact business.

VI. *And be it further enacted,* That the capital stock of any such incorporation shall not exceed one million of dollars; and it shall be lawful for the directors of every such company, to call and demand of the stockholders of such company respectively, all such sums of money by them subscribed, at such times, and in such proportions, as such directors shall see fit, under the pain of forfeiture of their shares, and all previous payments made on their stock to such company, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published in such newspaper as before mentioned: and every such incorporation shall cease and expire at the end of one year after the termination of the present war with Great Britain.

Duration of companies.

VII. *And be it further enacted,* That the real estate which it shall be lawful for any such incorporated company to hold, shall be such only as shall be requisite for its accommodation in building, repairing and fitting out vessels employed or to be employed by such company as private armed vessels, or for their offices necessary for the officers, clerks or agents of such company, or such as shall have been bona fide mortgaged to such company, by way of security, or conveyed to it in satisfaction of debts to such company, or purchased at sales upon judgments which shall have been obtained for such debts.

Real estate.

VIII. *And be it further enacted,* That the amount of debts which any such incorporated company shall at any time owe, shall not exceed the sum of the capital stock subscribed and actually paid into the funds of such company, and in case of excess, the directors of such company, under whose administration it shall happen, shall be liable for the same in their separate and private capacities, but this shall not be so construed, as to exempt the said corporation, or any estate, real or personal, which such corporation may hold, from also being liable for and chargeable with such excess; but such of the directors of such company, who shall have been absent when such excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

Debts.

IX. *And be it further enacted,* That it shall be the duty of the directors of every such company, to make dividends every six months, of so much of the profits of their association, as to them shall appear advisable.

Dividends.

X. *And be it further enacted,* That the directors of every such incorporated company shall, from time to time, when required by a majority of the stockholders, lay before them for their information, at a general meeting, a particular statement of the debts and credits of such company, and of the concerns thereof.

Accounts.

XI. *And be it further enacted,* That it shall and may at all times be lawful for a majority of the directors of any such company, to sell or dispose of any of the vessels which may belong to such company.

Vessels may be sold.

XII. *And be it further enacted,* That the stock of every such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the bye-laws of such

Stock deemed personal estate.

company, and that for all debts that shall be due and owing by such company at the time of its dissolution, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in such company, and no further; and that it shall not be lawful for such company to use their funds, or any part thereof, in any banking transaction, or in any other business or employment than such as may be proper and necessary for carrying into effect the declared objects of this act: and further, that no such company shall directly or indirectly, deal or trade in buying or selling any stock created under any act of the United States or of this state, unless in selling the same when truly pledged by way of security for debts due to such company.

Restrictions.

Evidence of incorporation.

XIII. *And be it further enacted*, That the copy of any certificate filed in pursuance of this act, and certified to be a true copy by the secretary of state, or his deputy, shall, together with this act, be received in all courts and places within this state, as legal evidence of the incorporation of such company.

CHAP. XIII.

An ACT in addition to the act for the Relief and Settlement of the Poor.

Passed October 21, 1814.

Families of persons in militia service not to be moved.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall not be lawful to cause to be removed from any city or town in this state, in pursuance of the act for the relief and settlement of the poor, the family of any person who now is or hereafter may be called into militia service of this state, or of the United States, during the time of his actually being in such service, and for thirty days thereafter, except where such family shall have moved into such city or town since such person was ordered into such service.

How to be relieved.

II. *And be it further enacted*, That the overseers of the poor of the several cities and towns of this state, in which such family resided at the time such person was ordered into such service, shall afford the same relief to his family during his absence, as aforesaid, as if he was legally settled in such city or town.

Expence how to be paid.

III. *And be it further enacted*, That the expence of supporting the family of any such person who may be ordered into such service as aforesaid, provided he is not legally settled in the city or town which may incur such expence, and all the expence of supporting the family of any person who has or may enter into the army or navy of the United States, or into the regular service of this state, who has no legal settlement in this state, shall be a charge upon the city or county in which they are found to reside; and the city or county treasurer of such city or county, may charge the expence thereof in his account with the state treasury, which the comptroller is hereby directed to allow.

CHAP. XIV.

An ACT requiring the Bank of America, and the City Bank of New-York, to loan to this state, the sums which those banks are respectively bound to loan.

Passed October 22, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* whenever there is any insufficiency of money in the treasury to pay any legal demands against the state, or to meet any appropriations made or to be made by the legislature, it shall be lawful for the comptroller to require of the president, directors and company of either the bank of America or the city bank of New-York, to make the loans necessary to meet such demands and appropriations: And it shall be the duty of said banks to make such loans as the comptroller shall from time to time require, not exceeding in amount the sums which the said banks are respectively bound to loan to this state.

II. *And be it further enacted, That* the monies so to be borrowed from either of the said banks, shall only be drawn therefrom from time to time, as the public expenditures may render it necessary.

CHAP. XV.

An ACT for the relief of the first Religious Society in the town of Rome.

Passed October 22, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* the corporation of the first religious society in the town of Rome, shall not be deemed to be dissolved for any non user or neglect to exercise any of the powers necessary for its preservation, previous to the passing of this act.

II. *And be it further enacted, That* it shall be lawful for the said corporation, at any time before the first day of January next, to elect two trustees to fill the vacancies of the members whose seats became vacant on the twenty-third day of June last; provided previous public notice be given to the congregation of the time and place of holding such election.

CHAP. XVI.

An ACT to authorize the raising of Troops for the defence of this state.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* it shall and may be

The Govern- or may call 12,000 men into actual service.

lawful for his Excellency the Governor, by general orders, to call into actual service from the militia of this state, twelve thousand able bodied and effective men, to be raised in the manner prescribed by this act, for the term of two years, unless sooner discharged: *Provided*, That the government of the United States shall have declared, that the said troops shall be paid, clothed and subsisted, at the expence of the United States, and shall likewise make provision by law, authorizing the time of service, agreeable to the provisions of this act.

II. *And be it further enacted*, That to effect the immediate organization of said corps, it shall be the duty of the commanding officer of each regiment or separate battalion of infantry, to require the respective commanding officers of companies within his regiment or battalion, within such time as his excellency the governor shall by general order direct, to make a just and true return to him, upon oath, of all the free white male inhabitants and sojourners of the age of eighteen years and upwards, within each of their respective beats; excepting all ministers and preachers of the gospel, and all persons belonging to the army or navy of the United States then in actual service, and also excepting such sojourners as shall produce a certificate of their having been classed with the company of the beat where they last resided, and also excepting all paupers; a true copy of which return shall be forthwith transmitted by the commanding officer of each regiment to the commanding officer of the brigade to which such regiment belongs, and by him to the commander in chief.

III. *And be it further enacted*, That it shall be lawful for the commander in chief, as soon as may be after he shall have received such return, by general order to direct the persons included in the same to be divided into classes, each class to be composed of such a number as will, in the opinion of the commander in chief, be necessary to yield twelve thousand men, allowing each class to produce one able bodied free white man.

IV. *And be it further enacted*, That to effect such classification, it shall be the duty of the commanding officer of each regiment or separate battalion of infantry, to furnish the assessors of the town or towns in which the different persons enrolled in his regiment, in pursuance of this act, shall reside, with a list of the names of the persons so enrolled, whose duty it is hereby made forthwith to divide such as reside in their respective towns into classes of the number directed by order of the commander in chief, having due regard to the estate, ability and circumstances of each person so enrolled, and also to the exemptions provided by this act, so that equal justice may be done to each class; and having made such classification, to return to such commanding officer of such regiment or separate battalion, a list of the said classes, and also a list of the names of such persons as shall, after having made such classification, remain over and above the classes thus formed, and insufficient to make a whole class in such town, together with a just valuation of the real and personal estate of such last mentioned persons respectively; and that it shall be the duty of such commanding officers of regiments or separate battalions, to return said names, together with such assessment, and also their place of residence as

near as may be, to the commanding officer of the brigade to which such regiment or separate battalion shall belong, whose duty it shall be to divide the same into classes, of the number directed by the commander in chief, having due regard to their estate, ability, circumstances and contiguity of residence.

V. *And be it further enacted*, That it shall be the duty of such commandants of regiments and separate battalions, forthwith to furnish each class with an authentic list of said class; and that it shall be the duty of each class to deliver, at such time and place as the commander in chief shall direct, and to such officer or officers as he shall appoint to muster the said troops, within the county where the soldier shall be raised, an able bodied free white man; that each class shall be responsible for the man so by them respectively furnished, until he shall be delivered and mustered at the place or places of rendezvous, to be appointed in general order; and further, that the man so furnished shall from thenceforth be deemed to belong to the said troops, and subject to the service directed by this act.

Each class to be supplied with a list, to furnish one man.

VI. *And be it further enacted*, That whenever any class shall omit or refuse for ten days, after they shall be required so to do, to furnish their man, it shall be lawful for any one or more persons belonging to the said class, at his or their own expence, to procure an able bodied man, for the said class, to serve as one of such troops; and if all the persons composing such class, cannot agree to a mode for the apportionment of such bounty as shall be paid to the person so furnished, it shall be the duty of the assessors of the town in which the major part of the said class reside, or any two of them, at the request of such person or persons, to apportion the sum so paid, as and for such a bounty, and assess the persons composing such class agreeable to their estate, circumstances and ability; and the assessment or apportionment so made in pursuance of this law, shall, upon suit to be commenced for the recovery of any part of said bounty, before any justice of the peace of the county, who is hereby authorized to take cognizance of the same, or in any court of record, be conclusive evidence, to entitle the person or persons furnishing such man, to recover the sum so assessed, with costs of suit, against the person or persons so assessed, in which suit the defendant shall be entitled to the same rights, and subject to the same executions, as are now by law allowable in civil suits: *Provided*, *Provide*, such bounty shall not exceed the sum of two hundred dollars.

Proceedings in the case of a class who refuse or neglect to furnish a man.

VII. *And be it further enacted*, That on failure of a sufficient muster, at such time and place or places of rendezvous, of an able bodied free white man, the class so delinquent shall be subject to a detachment from among them of one able bodied free white man, not of the people called Quakers, who shall be selected from such class in the manner following: It shall be the duty of the commandant of the regiment or separate battalion in which such class shall be enrolled in pursuance of this act, on being informed of the delinquency of such class, to direct the commanding officer of the company within whose beat the major part of the said class shall reside, to summon the persons composing the said class, and who are not by the provisions of this act exempt from the detachment directed by this section, to appear at such time and place within his beat,

Delinquent class subject to detachment.

as the said commandant shall appoint, of which summons a written notice, left at the last place of residence of such person, shall be sufficient evidence; and at such time and place to order the persons composing such class, and not exempt as aforesaid, to decide by ballot who shall be the person thus to be detached; and that in all cases of such balloting, if any person so summoned shall be absent, or being present, shall refuse to ballot, it shall be the duty of such commanding officer of the company to ballot in his behalf, and such ballot shall be as conclusive on such person as if he had himself balloted; that each person so selected and detached shall, after notice thereof left at his usual place of abode, be deemed as belonging to the said troops, and shall from thenceforth be subject to the rules and articles of war, for the period directed by this act as hereinafter directed, unless the person so detached shall, at his own expence, produce to the officer appointed to muster such corps, an able bodied free white man as a substitute, who shall voluntarily enlist and obligate himself to discharge the duties imposed by this act on the person or persons thus detached, and who shall be satisfactory to such officer, which enlistment the said officer is hereby authorised to take.

And to pay a
bounty of
two hundred
and fifty dol-
lars.

VIII. *And be it further enacted*, That such last mentioned delinquent class shall nevertheless be subject to pay the sum of two hundred and fifty dollars, to be apportioned among the several persons composing such delinquent class, due regard being had to the circumstances and abilities of such respective persons; to effect which apportionment, the commanding officer of each regiment or separate battalion, within which the class, or the major part of them shall have been enrolled, shall convene the assessors of the town in which the major part of the said class shall reside, and lay before them a list of the names of the persons composing such delinquent class, whose duty it is hereby made to convene, at the request of the said commanding officer of regiment or separate battalion, and they or a major part of them, being thus convened, to make such apportionment, having due regard to the estate, circumstances and abilities of such respective persons; that the said commanding officer shall thereupon deliver the assessment roll, to be made by the said assessors, to the collector of the town in which the major part of the class shall reside, who shall forthwith, if the same be not voluntarily paid, by distress and sale, (giving six days notice of such sale) levy of the goods and chattels of the several persons named in such assessment roll, the sum assessed by the said assessors and put opposite to their respective names, and shall, after deducting thereout two cents in the dollar for his fees for collecting, pay over the same to the treasurer of the county, by whom the same shall be paid to the person so detached, or the substitute furnished by him: *Provided*, That the person so detached shall, in writing, direct the same to be paid to such substitute: *And provided further*, That the said person so detached, or the substitute furnished by him, shall not have deserted the service: That if any person refusing to pay the sum assessed upon him, shall not be possessed of goods and chattels whereof the same can be levied, the said commanding officer shall, by warrant under his hand, to be directed to any constable of any town in said county, cause such per-

Proviso.

son to be committed to the jail of said county, or to the jail of the next county, there to remain until the sum so assessed upon him shall be paid to the treasurer of the county.

IX. *And be it further enacted*, That all persons above the age of forty-five years, and all persons who are not able bodied men, and all persons called Quakers, and all persons exempt by the laws of the United States from militia service, belonging to any of the said classes, shall be exempt from the liability to ballot and detachment directed by the seventh section of this act.

Persons above 45 years and Quakers, not to be balloted.

X. *And be it further enacted*, That the commander in chief of this state shall divide the said troops into such and so many corps as he shall deem proper, and may appoint by brevet such a number of officers as he may deem sufficient to officer the several corps authorized by this act, who shall hold their respective ranks accordingly, until the council of appointment shall have made the appointments for such corps, in pursuance of the constitution and laws of this state.

The troops to be divided into corps, and officers, how appointed.

XI. *And be it further enacted*, That the troops to be raised by virtue of this act, shall be subject to the orders of the commander in chief of the armies of the United States, and to the rules and regulations contained in the articles of war, made or to be made by the congress of the United States, for regulating the armies of the said United States, to the same extent as the militia of this state when called into the service of the United States, under the constitution and laws of the United States and of this state, and shall serve in lieu of an equal number of militia, which may at any time be ordered into service by the government of the United States.

To be subject to the com. in chief of the U. S. and serve in lieu of an equal number of militia.

XII. *And be it further enacted*, That if any class shall furnish an able bodied free white man, and deliver him to the proper officer agreeable to the intent and meaning of this act, the member of the class or person appointed to transact the business in the premises, as aforesaid, may take a receipt in his name and in the names of the others of the said class, from the person so delivered, for the sum so paid by the said class; and if such person so delivered as aforesaid, shall desert from the said service or leave the same before the time he engaged to serve is expired, unless regularly discharged, then and in that case it shall be lawful for the class, or such person as a majority shall appoint, in his name to sue and recover from such deserter the money paid to him by the said class, and which sum when recovered, shall be divided among the said class and their legal representatives, in proportion to the sums respectively paid by them; and that it shall not be lawful for such person so deserting, to take advantage of the insolvent act, or the act for the relief of debtors with respect to the imprisonment of their persons.

A deserter may be sued for the bounty paid him.

XIII. *And be it further enacted*, That the non-commissioned officers, musicians and privates, shall be furnished with the requisite arms and equipments and instruments of music, at the expence of this state.

Arms &c. to be supplied by the state.

XIV. *And be it further enacted*, That the measures necessary to carry this law into effect shall be executed in pursuance of general orders, to be issued for the respective purposes, by the commander in chief of the militia of this state, and that every officer both civil and military, who shall wilfully neglect or refuse to do

This law to be carried into effect, in pursuance of general orders.

Penalty for neglect or refusal.

and perform any of the duties required of him by this act, shall forfeit for every offence the sum of one thousand dollars, to be recovered by action of debt, in any court of record in this state, with costs of suit, in the name of any person who shall sue for the same, the one half when recovered to be paid into the treasury of the county in which the offence is committed, and the other half to be paid to and for the use of the person who shall sue for the same.

Absent persons, how enrolled.

XV. *And be it further enacted*, That in making the enrolment directed by the second section of this act, all persons who shall at the time of making such enrolment be absent from the town in which they reside, on militia duty, shall be enrolled in the beat in which they resided when they were called into militia service.

Certain officers, entitled to pay.

XVI. *And be it further enacted*, That the civil and military officers mentioned in this act, shall be entitled to reasonable compensation for the services required of them by this act, to be audited and allowed by the board of supervisors of the county, and to be paid as the contingent expences of the county.

Exemptions, how investigated.

XVII. *And be it further enacted*, That the exemptions allowed by this act shall be investigated and decided by some proper officer or officers belonging to each regiment or battalion of infantry within this state, to be designated by the governor.

Non-resident's property may be taxed.

XVIII. *And be it further enacted*, That it shall be the duty of each class to furnish the assessors of the town in which a major part of them shall reside, a correct list of the amount which each member has paid towards the furnishing a soldier, in pursuance of the provisions of this act, and that it shall be the duty of the said assessors to make out an aggregate amount paid by the classes in their respective towns, and lay the same before the board of supervisors of the county, to the end that the said supervisors shall lay a tax on non-resident and other property in such county, not included in the classes, which shall bear a just proportion of the bounties given by the classes for furnishing soldiers in pursuance of this act, which tax shall be collected in the same manner as directed by the act for the assessment and collection of taxes, and the same when collected, shall be paid over to the treasurer of the county, who shall equally divide the same among the several classes in said county, and pay the same over to the supervisors of the several towns in said county, according to the number of classes in said town; and the supervisors of each town shall pay over the same to the members of each class, in proportion to what each shall have paid for procuring a soldier, according to the provisions of this act: *Provided*, That non-resident or other property, as aforesaid, shall not be taxed for more than its proportion of the two hundred dollars for each man, paid by the classes in the county in which such property is situate,

Proviso.

Extent of this act.

XIX. *And be it further enacted*, That the provisions of this act shall extend to cities and wards, to the same extent, and in the same manner, as to counties and towns.

CHAP. XVII.

An ACT to authorise the raising a corps of Sea-Fencibles.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the governor of the state of New-York be, and he is hereby authorised to raise for three years, unless sooner discharged, twenty companies of sea-fencibles, who may be employed as well on the land as on the water, for the defence of the port and harbor of New-York. Twenty companies to be raised.

II. *And be it further enacted,* That each of the said companies of sea-fencibles, shall consist of one captain, one first, one second, and one third lieutenant, one boatswain, six gunners, six quarter gunners, two musicians and ninety privates. Their officers.

III. *And be it further enacted,* That the said companies of sea fencibles shall be formed into battalions, regiments and a brigade, or organised in such a manner as shall be deemed best adapted to promote the objects of this act, and that officers of such grade, and as many as may be deemed necessary, shall be appointed to command the said battalions, regiments and brigade of sea fencibles. Corps, to be formed into battalions, &c.

IV. *And be it further enacted,* That the several companies of sea fencibles which have been raised, shall be considered, and they are hereby declared to be a part of the corps authorised to be raised by this act, and the raising of the said companies is hereby ratified and confirmed. Companies now raised, to form parts thereof.

V. *And be it further enacted,* That the governor of the state of New-York be, and he is hereby authorised to appoint by brevet, all the officers of the said corps of sea fencibles, who shall hold their respective commissions until the council of appointment shall have appointed the officers for the said corps, in pursuance of the constitution and laws of this state. Officers, how to be appointed.

VI. *And be it further enacted,* That the commissioned officers of the said corps shall receive the same pay, rations, forage and allowances, as officers of the same grade in the army of the United States; that the boatswains, gunners and quarter gunners shall receive the same pay as warrant officers of the same grade in the navy of the United States, and shall receive the same rations as sergeants in the army of the United States; that the musicians and privates shall receive the same pay as musicians and able seamen receive in the navy of the United States, and shall receive the same rations as musicians and privates receive in the army of the United States; and it shall be lawful to pay the boatswains, gunners, quarter gunners, musicians and privates of the said corps, one month's pay in advance at the time of enlistment. Pay of the corps.

VII. *And be it further enacted,* That the said corps of sea fencibles may be ordered into the service of the United States in lieu of an equal number of militia which may be required by the government of the United States, for the defence of the port and harbor of New-York. Nature of its service.

VIII. *And be it further enacted,* That when the corps of sea fencibles to be raised as aforesaid, shall be in the service of the And how to be governed.

United States, they shall be subject to the rules and articles which have been, or may be hereafter established by the laws of the United States, for the government of the army of the United States; that when the said corps shall be in the service of the state of New-York, they shall be subject to the same rules and regulations; and the governor of the said state shall be, and he is hereby authorised and directed to exercise all the power and authority which, by the said rules and articles, are required to be exercised by the president of the United States.

CHAP. XVIII.

An ACT to authorise the raising of two regiments of men of Color.

Passed October 24, 1814.

Two reg-
iments to be
raised.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the governor of the state of New-York be, and he is hereby authorised to raise, by voluntary enlistment, two regiments of free men of color, for the defence of the state, for three years, unless sooner discharged.

Their num-
ber.

II. *And be it further enacted,* That each of the said regiments shall consist of one thousand and eighty able-bodied men; and the said regiments shall be formed into a brigade, or be organised in such manner, and shall be employed in such service, as the governor of the state of New-York shall deem best adapted to defend the said state.

Com. officers
to be white
men.

III. *And be it further enacted,* That all the commissioned officers of the said regiments and brigade, shall be white men; and the governor of the state of New-York shall be, and he is hereby authorised to commission by brevet, all the officers of the said regiments and brigade, who shall hold their respective commissions until the council of appointment shall have appointed the officers of the said regiments and brigade, in pursuance of the constitution and laws of the said state.

Their pay.

IV. *And be it further enacted,* That the commissioned officers of the said regiments and brigade shall receive the same pay, rations, forage and allowances, as officers of the same grade in the army of the United States; and the non-commissioned officers, musicians and privates of the said regiments, shall receive the same pay, rations, clothing and allowances, as the non-commissioned officers, musicians and privates of the army of the United States, and the sum of twenty-five dollars shall be paid to each of the said non-commissioned officers, musicians and privates, at the time of enlistment, in lieu of all other bounty.

May be trans-
ferred into
the U. S.
service.

V. *And be it further enacted,* That the troops to be raised as aforesaid, may be transferred into the service of the United States, if the government of the United States shall agree to pay and subsidize them, and to refund to this state the monies expended by this state in clothing and arming them; and until such transfer shall be made, may be ordered into the service of the United States in lieu

of an equal number of militia, whenever the militia of the state of New-York shall be ordered into the service of the United States.

VI. *And be it further enacted*, That it shall be lawful for any able bodied slave, with the written assent of his master or mistress, to enlist into the said corps, and the master or mistress of such slave shall be entitled to the pay and bounty allowed him for his service: and further, that the said slave, at the time of receiving his discharge, shall be deemed and adjudged to have been legally manumitted from that time, and his said master or mistress shall not thenceforward be liable for his maintenance.

Slaves may be enlisted.

VII. *And be it further enacted*, That every such enrolled person, who shall have become free by manumission or otherwise, if he shall thereafter become indigent, shall be deemed to be settled in the town in which the person who manumitted him was settled at the time of such manumission, or in such other town where he shall have gained a settlement subsequent to his discharge from the said service; and the former owner or owners of such manumitted person, and his legal representatives, shall be exonerated from his maintenance, any law to the contrary hereof notwithstanding.

After discharge to be manumitted.

VIII. *And be it further enacted*, That when the troops to be raised as aforesaid, shall be in the service of the United States, they shall be subject to the rules and articles which have been or may be hereafter established by the by-laws of the United States, for the government of the army of the United States: that when the said troops shall be in the service of the state of New-York, they shall be subject to the same rules and regulations: And the governor of the said state shall be and he is hereby authorised and directed to exercise all the power and authority which by the said rules and articles are required to be exercised by the president of the United States.

How to be governed.

CHAP. XIX.

An ACT to prevent improper intercourse with the enemy, and for other purposes.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That if any person or persons shall pass from this state into the territory or waters of the enemy bordering on this state, or shall go on board of any ship or vessel of the enemy, in any of the waters of this state, or adjoining the coasts of this state, without a written permission from the commandant of the nearest military post, or some person authorised by him or by the governor of this state, except it be on some military expedition by authority of the United States or of this state, such person or persons so offending, and being thereof convicted, shall be adjudged guilty of misdemeanor, and shall be fined in a sum not exceeding five thousand dollars, and shall be imprisoned in the state prison for a term not exceeding three years.

Punish for holding improper intercourse with the enemy.

II. *And be it further enacted*, That if any person or persons

For driving
cattle, &c. to
or towards his
territory or
waters.

shall directly or indirectly convey, or shall aid or assist, or be concerned in conveying any cattle, horse or horses, mule or mules, or live stock, or any article or articles of provisions, to or towards the territory or waters of the enemy bordering on this state, or shall directly or indirectly aid or assist, or be in any way concerned in driving or conveying any cattle, horse or horses, mule or mules, live stock, or any article or articles of provision to or towards the lines of this state, bordering on the territory or waters of the enemy, with intention that the said cattle, horse or horses, mule or mules, live stock, or article or articles of provision may be driven or conveyed into the territory or waters of the enemy, every person or persons so offending, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined therefor a sum not exceeding five thousand dollars, and shall be imprisoned in the state prison for a term not exceeding three years: *Provided*, That nothing herein contained shall extend to any transportation for the use or on account of the United States or of this state, or the supply of the troops or armed force of this state or of the United States.

Proviso.

Forfeiture.

III. *And be it further enacted*, That every person or persons who shall be convicted under the preceding sections of this act, shall, in addition to the penalty imposed by the said sections, forfeit the value of the said cattle, horse or horses, mule or mules, or live stock, or such article or articles of provision, to be recovered in an action of debt, in any court of record in this state, with costs of suit, in the name of any person who shall sue for the same, the one half, when recovered, to be paid into the treasury of this state, the other half to be paid to and for the use of the person who shall sue for the same.

CHAP. XX.

An ACT appointing Jesse Buel printer to this state, and for other purposes.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Jesse Buel, of the city of Albany be, and he is hereby appointed printer to the state, in lieu and stead of Solomon Southwick, and shall be subject to the like duties, and entitled to the like compensation, now allowed and enjoined by law, concurrent resolution or contract appointing the printer to this state.

II. *And be it further enacted*, That all notices and advertisements, the publication of which have been commenced in the Albany Register, in pursuance of any law of this state, may be continued in the same paper, and shall have the same effect to all intents and purposes as they would have had provided this act had not passed.

CHAP. XXI.

An ACT directing the Comptroller to audit and pay certain accounts of the Clerks of the Senate and Assembly, for making Indexes, and for other purposes.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the treasurer shall pay, on the warrant of the comptroller, to John F. Bacon, clerk of the senate, and to James Van Ingen, late clerk of the assembly, such sums of money as shall be certified by the comptroller to be due to them respectively, for making and preparing indexes to the journals of the two houses, to which none had before been made, and for the expences attending the printing of the said indexes, in pursuance of concurrent resolutions of the senate and assembly of the 13th April, one thousand eight hundred and fourteen.

II. *And be it further enacted,* That the supreme court shall have power to issue commissions to one or more persons, at their pleasure, to take the deposition of any person residing out of this state, to be read in all cases under the act, entitled "an act for the partition of lands," passed April 12, 1813.

CHAP. XXII.

An ACT concerning vessels in the port of New-York.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, at any time during the present war with Great Britain, when in their opinion the safety of the city shall require it, to remove, or cause to be removed, any ship or vessel lying or being in the port or harbor of New-York, excepting public vessels of the United States, and private armed vessels commissioned by the United States, from the said port or harbor to any other place in this state or in the state of New-Jersey. Orders may be given to remove vessels.

II. *And be it further enacted,* That before the removal of any such ship or vessel, the said mayor, aldermen and commonalty shall give twenty-four hours notice to some owner or agent having the care of such ship or vessel, if the owner or agent can be found in the city of New-York, requiring the said owner or agent to remove such ship or vessel from the port or harbor of New-York, and if such ship or vessel shall not be removed, in compliance with such notice and requisition, the same may then be removed by the said mayor, aldermen and commonalty as aforesaid, at the risk of the owner or owners of said ship or vessel. Notice thereof to be given.

III. *And be it further enacted,* That the expence of removing any such ship or vessel, shall be borne and paid by the owner or owners thereof, and if he or they shall fail to pay the same, it may Expence, how to be paid.

be paid by the said mayor, aldermen and commonalty, and such expence shall be a lien upon such ship or vessel.

Forfeit in case
of return.

IV. *And be it further enacted*, That if any such ship or vessel, having been removed as aforesaid, shall during the present war with Great Britain, return to the port or harbor of New-York, and remain therein twenty-four hours, without permission from the said mayor, aldermen and commonalty, the owner or owners thereof shall forfeit and pay to the said mayor, aldermen and commonalty, one hundred dollars for every offence, and such ship or vessel may again be removed as aforesaid.

CHAP. XXIII.

An ACT to exempt the militia from arrest on civil process when ordered into service.

Passed October 24, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That no non-commissioned officer, musician or private, ordered into the militia service of this state or of the United States, or who shall voluntarily enter into such service, or accepted as a substitute for any other person so ordered, shall be imprisoned on any civil process, either mesne or final, or be surrendered in exoneration of his bail in any action or proceeding now pending, or hereafter to be commenced for or by reason of any debt or contract, from the time of his being so ordered or entering into such service, or accepted as a substitute as aforesaid, till thirty days after he shall have left such service: *Provided*, That this act shall not extend to any person who shall have engaged a substitute, after his said substitute shall have been accepted: And provided further, that it shall be lawful for any special bail to take his principal and make surrender immediately after he shall have left such service; and it shall be and hereby is made the duty of all sheriffs, constables, gaolers or other officers in whose custody such person may have been taken by any such process as aforesaid, to deliver up such prisoner to the order of any officer of the military corps to which he may belong.

CHAP. XXIV.

An ACT to carry into effect sundry Resolutions of the Legislature, and for other purposes.

Passed October 24, 1814.

Certain sums
to be paid to
the Gov.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the treasurer of this state shall pay on the warrant of the comptroller, to the person administering the government of this state, such sums of money as shall be required by him to execute the concurrent resolutions of the

enate and assembly, agreed to on the twenty-second day of October instant.

II. *And be it further enacted*, That the commissioners of the land office shall designate, and by letters patent grant to Thomas Macdonough, his heirs and assigns, one thousand acres of the unimproved lands belonging to the people of this state, in the town of Sterling, in the county of Cayuga. Grant of land to T. Macdonough.

III. *And be it further enacted*, That the provisions of the act entitled "an act to authorise the raising of troops for the defence of this state," shall not be so construed as to extend to any student or students from another state, who shall be prosecuting their studies in either of the colleges of this state. Foreign students exempted from militia duty.

IV. *And be it further enacted*, That all students from this state, belonging to any college within this state, who are liable to be enrolled by the provisions of the aforesaid last mentioned act, shall be enrolled in the respective beats where their usual residence may be, and not in the beat where the college of which they are members is established, unless their own residence is also within the same beat. Domestic students, how to be enrolled.

V. *And be it further enacted*, That the comptroller be, and he is hereby authorised and directed, on the requisitions of his excellency the governor, to draw his warrants on the treasurer for such sums of money as the governor shall deem necessary to meet the expences authorised, or to be authorised by the legislature during the present meeting, and that for the expenditure of all such monies the governor shall account with the comptroller. The Gov. to draw for certain sums.

VI. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to establish a quarter-master's department in this state, in such manner as he may direct, to appoint such and so many persons as he may deem proper and necessary for the payment of the troops at any time ordered into service by state authority, to take such security as he may judge sufficient, for the faithful discharge of their respective duties, and to compel the rendering of accounts for all monies placed in their hands for such purpose. Q. Master's department may be established.

CHAP. XXV.

An ACT to amend an act, entitled "an act to organize the Militia of this state."

Passed October 24, 1814,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That every commissioned officer, non-commissioned officer, musician or private, of the militia of this state, who shall refuse or neglect to appear at any place of rendezvous, when legally warned for actual service, under the authority of this state, shall, for such refusal or neglect, forfeit a sum not exceeding twelve month's pay nor less than one month's pay, to be determined by a court martial, to be appointed in manner hereafter to be provided; and every such delinquent commissioned offi- Penalty for neglect or refusal to appear when legally warned.

cer shall moreover be liable to be cashiered by the sentence of such court martial, and to be incapacitated from holding a commission in the militia of this state, for a term not exceeding ten years, at the discretion of such court martial; and every such delinquent non-commissioned officer and private, shall be liable to be imprisoned by the sentence of such court, upon non-payment of the fine so adjudged against him, if not discharged within one calendar month, for every month's pay adjudged, in the common jail of the county in which he resides, without bail or mainprize.

Return of delinquents to be made.

II. *And be it further enacted*, That it shall be the duty of each commandant of a company of militia, to make a return of the names of delinquents, with their places of residence, and of all delinquencies happening contrary to the provisions of this act, within six days after such delinquency shall happen, to the commandant of the regiment or separate battalion, to which he belongs; and it shall be the duty of such commandant of the regiment or separate battalion, within twelve days thereafter, to make a return of all such delinquencies to the commandant of the brigade to which he belongs, whose duty it shall be to cause the same to be delivered to the president of such court martial, when appointed, accompanied with an order for such court martial to proceed to the trial of delinquents, in which order the time of assembling such court, and proceeding to business, shall be specified.

Courts martial, how to proceed.

III. *And be it further enacted*, That courts martial for the trial of all such delinquents, shall be appointed in each brigade by the commandant of such brigade, and every such court martial shall consist of five commissioned officers, one of whom shall be a field officer, who shall be the president thereof, and that the president and any two members shall form a quorum to do business; that each member before entering on the business of such court, shall take the oath directed and prescribed in and by the act hereby amended, for members of a general court martial; and that the president shall appoint one judge advocate, not being a member of such court, and shall administer to him the oath directed and prescribed by the seventy-third section of the act hereby amended, who shall perform the duties enjoined on a judge advocate, directed and prescribed in and by the act aforesaid, in cases of general courts martial; and such president shall also appoint one marshal of said court, whose duty it shall be to summon such person who shall be returned as delinquent to appear and shew cause why he should not be subject to the penalties imposed by this act, for which purpose the president of such court shall issue his summons directed to the marshal of such court, which shall be personally served, or by leaving a notice subscribed by such marshal, with some person of suitable age and discretion, at the usual place of abode of such delinquent, which shall be deemed a sufficient service, and every such delinquent shall be entitled to compulsory process for the attendance of his witnesses, which the president shall issue upon application made to him for that purpose.

Marshal's duty.

Penalty for neglect or refusal.

IV. *And be it further enacted*, That every such marshal who shall neglect or refuse to serve any such summons or other order, or shall neglect to return any such summons or other process, in his own proper person, to such court martial, without a sufficient

excuse, shall be subject to such fine or imprisonment as a majority of such court martial shall determine or adjudge; and that all such returns shall be on oath, and shall be sufficient evidence to prove such summoning; and the president of every such court shall have and exercise the same powers to compel the attendance of all witnesses at such court, as is directed and prescribed in and by the act hereby amended, in cases of a general court martial.

V. *And be it further enacted*, That it shall be the duty of the Judge Advocate to administer to each member of such court, the oath directed and prescribed in and by the act hereby amended, in cases of a general court martial, and also to the several witnesses the usual oath, and in addition to the various duties enjoined upon a judge advocate, in and by the act hereby amended, he shall make a correct report of the proceedings and trial of every delinquent, had before such court, and of the decisions of such court in every such case, which report shall be signed by the president of such court, and returned to the commandant of such brigade, whose duty it shall be within ten days thereafter, to approve or disapprove of every such sentence or decision; and in case any such sentence or decision shall be approved of by him, forthwith to issue his warrant to the sheriff of the county in which such convicted person shall reside, commanding and requiring him to carry the same into effect; and it shall be the duty of such sheriff forthwith, without delay, to cause such process to be executed, and in case a fine shall have been imposed, to proceed in levying and collecting the same, in the same manner as in the levying and collecting monies on executions against the goods and chattels of a defendant, and for the want of sufficient goods and chattels, to arrest the body of the delinquent, and to imprison him in the jail of the county within his bailiwick, and there safely to keep him, without bail, until such fine shall be paid; and where an imprisonment shall have been adjudged, to arrest such delinquent by virtue of such warrant, and to commit him to such jail, as aforesaid, and there safely to keep him, without bail, for the time specified in such warrant; and it shall be the duty of such sheriff to make return of such warrant within thirty days after the same shall have come to his hands, to the person who shall have issued the same, and forthwith to pay over all monies by him received, in pursuance of such warrant, into the treasury of this state.

VI. *And be it further enacted*, That each member of such court and the judge advocate, shall be entitled to two dollars for each day's actual attendance to the duties prescribed by this act; and the marshal shall be entitled to the same fees as are allowed to constables in and by the "act for the more speedy recovery of debts to the value of twenty-five dollars;" and the president of such court shall report the time of service, and compensation due to every such person to the commandant of such brigade, whose duty it shall be to certify the same to the comptroller, and the comptroller shall thereupon issue his warrant, in favor of every such person, for the amount so certified, upon the treasurer, whose duty it shall be to pay the same out of any monies in the treasury not otherwise appropriated.

An ACT to provide for the re-payment of certain sums of money, advanced by the corporation of the city of New-York, for the defence of this state, and for other purposes.

Passed October 24, 1814.

Monies to be refunded to the corporation of New-York.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the comptroller, and he is hereby required to refund to the corporation of the city of New-York, such sums of money as may have been advanced by the said corporation upon the requisition of the governor, to Samuel Edmonds, pay-master of the sea-fencibles, organized for the defence of New-York, and to Richard Platt, commissary of military stores, for the purchase of arms, equipments and other munitions for the state: Provided however, and it is hereby made the duty of the said Samuel Edmonds and the said Richard Platt, respectively, within six months from the passing of this act, to account with the comptroller for the monies so received by them, and the comptroller is hereby authorised and required to examine and audit the accounts of the said Samuel Edmonds and Richard Platt for all bona fide expenditures and advances made by them out of the monies aforesaid.

The sum of 34,000 dollars to be paid for mil. stores, &c.

II. And be it further enacted, That the comptroller shall pay to the order of the person administering the government of this state for the time being, the further sum of thirty-five thousand dollars, to be applied by the commissary of military stores, in providing further military stores, equipments, and other means of defence, under the direction of the person administering the government of this state.

The Gov't accounts to be examined and audited.

III. And be it further enacted, That it shall be lawful for the comptroller to examine and audit the accounts of his excellency the governor, for all bona fide expenditures and advances made by him in the recess of the legislature, for munitions, transportation of militia, equipage for sea-fencibles, and for other measures of defence, and to pay the balance of such account upon receiving satisfactory and regular vouchers therefor; and also to allow and pay the balance of the account of his excellency the governor, for expenditures under and pursuant to those sections of the act entitled "an act further to provide for the defence of the frontiers, and for other purposes," passed the twelfth June, one thousand eight hundred and twelve, where the appropriation has been exceeded, out of any other unexpended appropriation made by law for purposes of defence.

Allowance to the Adjutant Gen. &c.

IV. And be it further enacted, That the adjutant general, when called into actual service, shall be entitled to receive the subsistence and forage allowed by law to a colonel in the army, in addition to his salary, and that such of the other state staff, including a military secretary of the commander in chief, whom he is hereby authorised to appoint, with the rank of aid-de-camp, shall receive, when in actual service, the same pay and emoluments as officers of the same grade are allowed in the army.

CHAP. XXVII.

An ACT to appropriate fifty thousand dollars for the completion of the fortifications on Staten Island.

Passed October 24, 1814.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the sum of fifty thousand dollars be, and the same is hereby appropriated, for the completion of the fortifications on Staten Island, and that the treasurer be and he is hereby authorised and required to pay the same to the governor for that purpose, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

CHAP. XXVIII.

An ACT relative to the Outlet Bridge in the county of Orange.

Passed October 24, 1814.

WHEREAS doubts have arisen in the construction of some part of the act, entitled "an act to raise monies to drain the drowned lands in the county of Orange," passed March 6th, 1807, and also in the construction of the act therein referred to, entitled "an act making provision for draining swamps and bog-meadows in the counties of Orange and Dutchess," passed April 9th, 1814 : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways of the towns of Goshen and Minisink, in the county of Orange, and their successors in office, to erect a new bridge over the Walkill, at the outlet of the drowned lands in the said county of Orange, at or near the place where the bridge called the outlet bridge now stands, and to re-build the same if necessary, and to keep the same in repair, any thing contained in the acts above mentioned to the contrary thereof in any wise notwithstanding : Provided always, That in the erecting of any new bridge at the outlet aforesaid, the said commissioners shall not be at liberty to place any greater obstructions in the bed of the Walkill than what have heretofore been used for the support of said bridge ; nor shall they be at liberty to obstruct either of the ditches or drains which have been cleared out by the commissioners appointed in the act aforesaid for draining the drowned lands.

An ACT authorising the laying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes.

Passed October 24, 1814.

State tax to
be raised in
1815—'16.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That a tax of two mills upon each dollar of the valuation of the real and personal estates within this state, shall be raised, levied and collected in the years one thousand eight hundred and fifteen and one thousand eight hundred and sixteen inclusive, for the use of this state, which said annual tax shall be raised, levied and collected with, and in like manner as the taxes for defraying the contingent charges of counties and towns are raised, levied and collected.

Comptroller to charge
counties with
their respective
quotas of
taxes, &c.

II. *And be it further enacted,* That the comptroller of this state shall, from the annual returns which may be made to him of the valuations of real and personal estates within the several counties in this state, ascertain and charge the county treasurers respectively with the amount of the state tax to be raised in the counties respectively, crediting them with such sum or sums as they may pay on account of the same, and with the fees of the county treasurers and collectors, and shall also credit them with the amount of all arrears of taxes on the lands of non-residents, which they may respectively return to his office according to law; and in case the returns of unpaid taxes on lands of non-residents from any county shall exceed the amount of the state tax in such county, it shall be his duty to pay the surplus to the treasurer of such county.

County treasurers, when
and how to
pay state taxes,
&c.

III. *And be it further enacted,* That the several county treasurers within this state shall, on or before the first day of March in each and every year during the continuance of said tax, pay to the treasurer of this state, the amount of state tax raised and paid over to them respectively, retaining in their hands for their services, one cent upon every dollar so paid over to them; or they may pay the same to the bank of New-York, or to the New-York state bank, to the credit of the treasurer of this state; and in case of such payment to either of said banks, the county treasurer making it shall forthwith transmit the receipt of the said bank to the comptroller of this state, to be filed in his office, and the comptroller shall thereupon certify such payment to the treasurer, and charge him with the amount thereof.

Comp. on the
1st of May to
state accounts
with county
treasurers,
&c.

IV. *And be it further enacted,* That the comptroller shall, on the first day of May in every year, during the continuance of said tax, state the accounts of the said county treasurers, and in every case in which any part of the said tax shall from the said accounts appear to remain unpaid, he shall transmit a copy of the account of every county treasurer against whom a balance shall be found, to such county treasurer by mail, requiring him to pay such balance within thirty days; and if any such county treasurer shall neglect or refuse within the said thirty days to pay the balance so as aforesaid found against him, the comptroller shall forthwith, unless it shall be made satisfactorily to appear to him that such county treasurer

hath not received such balance, and that he hath taken all the necessary steps required of him by law in relation to such balance, deliver a copy of said account to the attorney general, to be prosecuted against such county treasurer; and it shall be sufficient in the declaration in any such suit, to set forth that the defendant on the day such account was stated as aforesaid, and at a certain place, was indebted to the people of the state of New-York in the sum therein stated, as the balance for so much money before that time received by him to their use, and that he in consideration thereof, promised to pay the same, and to give the special matter in evidence; and the said comptroller may also at his discretion, direct the supervisors of the county to which such county treasurer shall belong, to commence and prosecute one or more suits against such county treasurer and his sureties or either of them, or their representatives, on the bond given by them to the said supervisors, for the faithful execution of the office of such county treasurer; and if any sum shall be recovered in any such suit, the defendant shall be liable to pay the costs of such suit: *Provided always*, That if the defendant shall at any time before judgment is obtained in any such suit, pay the said balance into the treasury of this state, or account for the same to the comptroller, and pay the costs of suit, it shall be lawful for the comptroller thereupon to direct such suit to be discontinued.

Delinquent
county treas-
urers to be
prosecuted!

V. *And be it further enacted*, That all losses which may be sustained by the default of the collector of any town or ward, shall be chargeable on such town or ward; and all losses which may be sustained by the default of the treasurer of any county, in the discharge of duties imposed by the act for the assessment and collection of taxes, shall be chargeable on such county, and the board of supervisors shall add such losses to the taxes of the next year of such town or county.

Losses sus-
tained by de-
fault of col-
lectors and
county treas-
urers, to
whom chargeable.

VI. *And be it further enacted*, That the lands hereafter to be sold for arrears of taxes, shall be sold only for such arrears of taxes, interest and charges as subject such lands to be advertised for sale agreeably to the provisions of the sixteenth section of the act entitled "an act for the assessment and collection of taxes."

Lands, for
what taxes to
be sold.

VII. *And be it further enacted*, That the thirty-ninth section of the act, entitled "an act for the assessment and collection of taxes" be, and the same is hereby repealed.

30th sec. of
the tax law
repealed.

VIII. *And be it further enacted*, That it shall be lawful for the comptroller, in the name of and in behalf of the people of this state, from time to time, as the demands of the treasury may render it necessary, to loan from the different banks in this state, and from such individuals or other incorporated bodies as shall be willing to loan the same, at the usual bank discount, such sum or sums as may be necessary to discharge such demands, and to draw his warrant for the same in favor of the treasurer, and charge him with the amount thereof.

Comptroller
authorized to
borrow money,
and how

IX. *And be it further enacted*, That if the sums necessary to meet such demands on the treasury of this state can be seasonably obtained from the ordinary revenues and resources of the state, and from loans that may be obtained under the last preceding section of this act, or the twenty-first section of the act, entitled "an act re-

lative to the office and duties of the comptroller of this state," it shall not be lawful for the comptroller to demand from the bank of America, nor from the city bank, the loans which they are respectively bound to make to this state; but in case a part only of the sum necessary shall be obtained in pursuance of the first section of this act, that then it shall be the duty of the comptroller to require the said banks last mentioned to loan the residue, and that it shall be the duty of the said banks to make the said loan as is directed by law.

Taxes pledged for the re-payment of money borrowed with interest.

X. *And be it further enacted*, That the faith of this state be and the same is hereby pledged to appropriate the avails of the taxes directed to be raised by this act, to the payment of the interest which may grow due on the said loans, or as much thereof as may be necessary for that purpose; and further, that the legislature will as often as it may become necessary for the payment of the said interest, and for the re-payment of the principal, before the expiration of the charter of such banks as may so loan respectively, provide therefor either by a continuance of the taxes imposed by this act, or the imposition of other and further taxes.

CHAP. XXX.

An ACT in addition to the act relative to the next term of the Supreme Court, and to postpone the November sittings in the city of New-York.

Passed October 24, 1814.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all process issued previous to the passing of the said act, returnable on the third Monday of October, or on any other day in the October term, shall be as valid as if the term had been holden under the former law, and that all defaults entered and assessments made in pursuance of the law as the same existed previous to the passing the said act, shall be also valid: *Provided nevertheless*, That any person against whom a default has been entered, shall have liberty to apply to have such default set aside, at any time during the term to be held under the said act.

II. *And be it further enacted*, That the court of sittings for the trial of issues appointed to be holden in and for the city and county of New-York, upon the second Monday of November next be, and the same is hereby postponed until the further order of the said supreme court.

CHAP. XXXI.

An ACT appointing Commissioners to make alterations in the state road leading from the falls on the Genesee river to Lewiston.

Passed February 10, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Philetus Swift, Caleb Hopkins, Isaac Southerland, or any two of them, be, and hereby are authorised and empowered to review and make such alterations in the state road leading from the falls on Genesee river to Lewiston, as they in their judgment shall deem beneficial to the public travel: *Provided,* That such alterations shall not materially affect or injure any person settled on said road, or any building or other valuable improvements on said road. Commissioners.

II. *And be it further enacted,* That the said commissioners shall cause to be made an accurate map of said road, and shall cause the said map, together with the field notes of the survey to be filed in the comptroller's office of this state, and in the clerks offices of the counties of Genesee and Niagara, and shall also cause to be filed in the office of the clerk of each town through which said road runs, a copy of the map and field notes of such part of said road as shall be in said town, and that it shall be lawful from thenceforth for the inhabitants of the said counties of Genesee and Niagara to improve the said road; and each of the said commissioners shall receive for their services, at the rate of two dollars and fifty cents for each day they shall be necessarily employed in making alterations and laying out said road; and all expences incident to the same shall be levied, collected and paid in the said counties of Genesee and Niagara, as other contingent charges are in said counties levied, collected and paid. Maps, how to be made and filed.

III. *And be it further enacted,* That all damages sustained in consequence of reviewing and altering said road, in consequence of opening the same through improved lands, shall be assessed and paid as is provided by law for assessing and paying damages through improved lands in consequence of roads being laid by the commissioners of highways of towns. Pay of the commissioners.

Damages, how to be ascertained.

CHAP. XXXII.

An ACT to suspend, for the period therein mentioned, the restriction on Banks against issuing Bills less than the amount of one dollar.

Passed February 10, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the first section of the act, entitled an act to prevent the passing and receiving of bank notes less than the nominal value of one dollar, and to restrain unincorporated banking associations be, and the same is hereby suspended until the end of the next session of the legislature, until which time

it shall be lawful to pass and receive bank notes less than the nominal value of one dollar, any thing in the said first section of the said act to the contrary notwithstanding.

CHAP. XXXIII.

An ACT for the appointment of a Treasurer of this state.

Passed February 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Charles Z. Platt be, and hereby is constituted and appointed treasurer of this state, to continue in office until the twelfth day of February, in the year one thousand eight hundred and sixteen.

CHAP. XXXIV.

An ACT for altering the time of holding the Town Meetings in the towns of Thompson, Liberty and Neversink, in the county of Sullivan.

Passed February 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town meetings in the towns of Thompson, Liberty and Neversink, in the county of Sullivan, shall hereafter be respectively held on the first Tuesday in March, in every year, and that all such town officers of the said towns, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. XXXV.

An ACT for the relief of the Owego and Ithica Turnpike Company.

Passed February 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president, directors and company of the Owego and Ithica turnpike road, may demand and receive on all carts, teams, waggons, carriages and sleighs, laden with salt or plaster, in a course of transportation from the village of Ithica to the village of Owego, at each of their gates, the toll allowed by law, notwithstanding the owner or driver of any such cart, team, waggon, carriage or sleigh, or the owner of the load, or a part thereof, may reside within the distance of one mile from either of the said gates.

CHAP. XXXVI.

An ACT for the relief of the president, directors and company of the Belle Isle Factory.

Passed February 14, 1815.

WHEREAS Henry A. Coster, John T. Lawrence, Benjamin W. Rodgers, Peter Talman, Jasper Ward, Henry Harbeck, and Adrian Van Sinderen, and divers other persons, have, by their petition, represented to the legislature, that on the fourth day of November, one thousand eight hundred and thirteen, in pursuance of the act, entitled "an act relative to incorporations for manufacturing purposes," passed March twenty-second, one thousand eight hundred and eleven, they formed themselves into a company for the purpose of manufacturing woolen, cotton and linen goods, within the city and county of New-York, under the corporate name of "The president, directors and company of the Belle Isle factory," and did according to the provisions of the said act, cause a certificate to be filed in the office of the secretary of this state; and whereas the trustees of the said company have procured a title to real estate on Great Barn Island, within the city and county of New-York, and have caused to be erected an extensive building in which to carry on the manufactory, and expended a large sum of money towards the object of their incorporation, but having neglected to make provision by bye laws for the election of directors for the second year, have ceased as a corporate body to exist, and have prayed relief in the premises: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Henry A. Coster, John T. Lawrence, Benjamin W. Rodgers, Peter Talman, Jasper Ward, Henry Harbeck and Adrian Van Sinderen, and others their associates, shall and may still continue as a body corporate, by the name of "The president, directors and company of the Belle Isle factory," and by that name shall continue to exist for the term of twenty years from the said fourth day of November, in the year one thousand eight hundred and thirteen, and shall henceforth be invested with all the rights and privileges which they could have enjoyed under the before mentioned act, passed twenty-second day of March, one thousand eight hundred and eleven, had they provided by bye laws for the election of directors of the said company; that the said Henry A. Coster, John T. Lawrence, Benjamin W. Rodgers, Peter Talman, Jasper Ward, Henry Harbeck, and Adrian Van Sinderen, shall be directors of the said company until the fourth day of November, one thousand eight hundred and fifteen, or until others shall be elected in their stead.

Preamble.

The company declared to be incorporated.

Directors.

LAWS OF NEW-YORK,

CHAP. XXXVII.

An ACT to alter the time of holding Town Meetings in the town of Whitehall, in the county of Washington.

Passed February 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the annual town meeting of the freeholders and inhabitants of the town of Whitehall, in the county of Washington, shall in future be held on the first Monday of March of each year, instead of the first Tuesday of April; and that the next town meeting in said town shall be held on the first Monday of March next; and that all such town officers whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. XXXVIII.

An ACT relative to Writs and Process.

Passed February 17, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all original writs, which according to any law, usage or custom, have heretofore issued out of the court of chancery, returnable in the supreme court, or the court of common pleas, for the commencement of any suit or proceeding in the said courts, shall hereafter issue out of and under the seal of the court in which such writs may be returnable; and be tested in the name of the chief justice, first or senior judge of such court, observing in other respects the forms now in use; and further, that the supreme court shall have the like power as is now given to the court of chancery, to devise and make writs in cases where there are none to be found.

II. And be it further enacted, That all writs and process, to be issued out of any court of this state, and all proceedings and records in every such court may hereafter be made out on paper, instead of parchment, any law, usage or custom to the contrary notwithstanding; and that the impression of the seal of any court, to be made by way of stamp, shall be held, considered and adjudged as a sufficient sealing of any writ, process, record, exemplification, or proceeding in such court.

CHAP. XXXIX.

An ACT to alter the December term of the Courts of Common Pleas and General Sessions of the Peace of the county of Washington.

Passed February 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the courts of common pleas and general sessions of the peace in and for the county of Washington, shall hereafter be holden on the first Tuesday in December, instead of the third Tuesday in December, and may continue to be held from the commencement thereof, until Saturday in the next week thereafter, inclusive.

CHAP. XL.

An ACT to amend an act, entitled "an act for the relief of the representatives of William I. Vredenburg, deceased."

Passed February 17, 1815.

WHEREAS by an act of the legislature of this state, passed the twenty-fifth day of February, one thousand eight hundred and fourteen, entitled "an act for the relief of the representatives of William I. Vredenburg, deceased," Mary Vredenburg and Charles I. Burnett were appointed trustees, with full powers to execute conveyances for certain lands, pursuant to contracts entered into by the said William I. Vredenburg, in his life time: *And whereas, The said Mary Vredenburg, under an apprehension that by executing said conveyances she shall relinquish her right of dower in said lands, has refused to execute said conveyances: Therefore,*

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Charles I. Burnett, solely, to execute the said conveyances, pursuant to the directions and subject to the provisions and restrictions in said act contained; and that the said conveyances thus executed shall be good and effectual to vest in the purchasers of the said lands respectively, the estate of the said William I. Vredenburg, in the said lands, subject to the right of dower of the said Mary Vredenburg, therein.

CHAP. XLI.

An ACT to enable the Trustees of the Presbyterian Church in Cedar-street, in the city of New-York, to hold real and personal estate to the annual value or income therein mentioned.

Passed February 17, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful

for the religious congregation or society in the city of New-York, incorporated under an act of the legislature, entitled an act to provide for the incorporation of religious societies, by the name and style of "The trustees of the presbyterian church in Cedar-street," to hold real and personal estate of an annual value or income, not exceeding five thousand dollars, any thing in the act, entitled "an act to provide for the incorporation of religious societies" contained notwithstanding.

II. *Provided always, and be it further enacted*, That the before mentioned religious corporation shall, in all other respects, be bound and governed by the laws in force relative thereto.

CHAP. XLII.

An ACT for the Relief of the Executors and Trustees, named and appointed in and by the last will and testament of Timothy Leonard, deceased.

Passed February 17, 1815.

Preamble.

WHEREAS it is represented that Timothy Leonard, late of the county of Rensselaer, deceased, shortly before his death, purchased sundry lots of the unappropriated lands of this state, situated in the county of Essex, by application after the same had been exposed to sale, by the surveyor-general, and remained unsold; that he paid the one-eighth part of the purchase money as required by law, but that in consequence of his decease the sales remain incomplete, he not having produced bonds to be executed, to secure the payment of the residue of the purchase money, and the surveyor general not having made out certificates of the said purchases; and also that the said Timothy Leonard in his life time, in common with Roswell Weston, purchased sundry lots of land in the Scaroon and Paradox tracts, and lots number six F, and seven G, in the gore adjoining the Brant lake tract, south of the Schroon tract, of the unappropriated lands of this state, by putting in proposals in pursuance of an advertisement of the commissioners of the land office, on which said purchase the whole of the consideration monies have been fully paid, but no grants have issued for the said lands: *And whereas* the said Timothy Leonard, in and by his last will and testament, duly appointed Mary Leonard, William Bradley, Gerrit Wendell, Elisha Sheldon, John B. Catlin, Abraham Van Vechten and John Stewart, executrix and executors of the same, and trustees of all his estate for the benefit of his children, the five first of which said mentioned persons, have assumed upon themselves the burthen of the execution of the said will, and accepted the trusts therein expressed: Therefore,

Power to issue to the executors of T. Leonard and R. Weston.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the commissioners of the land office be, and they are hereby authorised and required to cause letters patent to issue for the said lots, in the said tracts, called the Schroon and Paradox tracts, and lots number six F, and number seven G, in the said gore, to the said Mary Leonard,

William Bradley, Gerrit Wendell, Elisha Sheldon and John B. Catlin, executrix and executors and trustees as aforesaid, as tenants in common with the said Roswell Weston, that is to say, to the said Roswell Weston one equal undivided third part of the said lots, and to the said executrix and executors and trustees as aforesaid, two equal undivided third parts of the said lots, upon the same trusts, and to the same uses, intents and purposes, as are in the will of the said Timothy Leonard expressed.

II. *And be it further enacted*, That the surveyor general of this state be, and he is hereby authorised and required to execute to the said Mary Leonard, William Bradley, Gerrit Wendell, Elisha Sheldon and John B. Catlin, as executrix and executors and trustees as aforesaid, upon the same trusts and to the same uses, intents and purposes, as are in the will of the said Timothy Leonard expressed, a certificate for the lots purchased by him as aforesaid, from the surveyor general, in conformity to the directions of the sixteenth section of the act, entitled "an act concerning the commissioners of the land office, and the sale of the unappropriated lands," upon the said Mary Leonard, William Bradley, Gerrit Wendell, Elisha Sheldon and John B. Catlin, or any two of them, executing their bond to the people of this state, for the payment of the purchase money remaining due on the said lots, according to the terms upon which the said lots were purchased.

Surveyor-General to give a certificate.

CHAP. XLIII.

An ACT to erect a part of the town of Catskill, and of the town of Coxsackie, into a separate town.

Passed February 25, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That such parts of the towns of Catskill and Coxsackie, as are contained in the following bounds, to wit, beginning on the west bounds of the Hudson's river, in the town of Coxsackie, near the southerly point of an island called Paddock's island, at a button-wood tree, and from thence running north seventy-three degrees west, four hundred and four chains, intersecting the Schoharie turnpike road, near what is called the Houghbergh or high hill; then along the northerly side of said turnpike, to a creek called the Potock creek; then down the said stream to the corner of the towns of Catskill, Coxsackie and Canton, near where a fulling-mill formerly stood, owned by Ezekiel Benton; from said corner south sixty degrees west along the Canton line sixty-four chains to the Catskill creek; then down said stream one hundred and ninety-six chains, to a small button-wood tree, standing on the east bank of the said Catskill creek, thirty chains above, or northerly of the dwelling house of Martin G. Schuneman; from said tree south sixty-three degrees, east thirty-seven chains to the Athenian turnpike road, and south fifty-five degrees and thirty minutes, east one hundred and ninety-eight chains, to what is called the Corlear's kill; crossing the said stream then along the said

Athenian erected.

kill forty-seven chains to the aforesaid Hudson's river, near the dwelling house of Garrit Pierce, and from thence to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Athens; and that the first town meeting shall be held at the house of Joseph Seely, in said village; and that all the remaining parts of the said towns of Catskill and Cocksackie shall be and remain separate towns, by the names of Catskill and Cocksackie.

Poor money
due to be dis-
tributed,

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of said towns respectively, on notice being given for that purpose, shall meet together and divide the money and poor belonging to the said towns of Catskill and Cocksackie, previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

CHAP. XLIV.

An ACT appointing Commissioners to lay out and establish a State Road from the west bank of the Genesee river, near the village of Leicester, in the county of Genesee, to the confluence of the Allegany river and Great Valley creek.

Passed February 25, 1815.

Commission-
ers.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That John H. Jones, James Green and Josiah Robinson, or any two of them, be, and are hereby authorised to lay out and establish a state road, beginning at such place on the west bank of the Genesee river as may be selected for the erection of the bridge authorised to be built near the village of Leicester, in the county of Genesee, and running in a south-westerly direction on the nearest best ground the country will admit, to the confluence of the Allegany river and Great Valley creek, in the second township and sixth range of the Holland land company's land.

Route of the
road.

Maps of the
route to be
made and fil-
ed.

II. *And be it further enacted*, That the said commissioners shall cause to be made an accurate map of said road, and shall cause the said map, together with the field notes of the survey, to be filed in the comptroller's office of this state, and in the clerk's offices of the counties of Genesee and Allegany, and shall also cause to be filed in the office of the clerk of each town through which said road runs, a copy of the map and field notes of such part of said road as shall be in said town; and that it shall be lawful from thenceforth for the inhabitants of the said counties of Genesee, Allegany and Cattaraugus to improve the said road; and each of the said commissioners shall receive for their services, at the rate of two dollars and fifty cents a day, for each day they shall be necessarily employed in laying out and establishing said road; and the expences incident to the same shall be levied, collected and paid in the said counties of Genesee, Allegany and Cattaraugus, as other contingent charges are in the said counties levied, collected and paid.

Pay of the
commission-
ers.

CHAP. XLV,

An ACT for the relief of the representatives of Hezekiah Rogers, Junior, deceased.

Passed February 25, 1815.

WHEREAS it appears that Hezekiah Rogers, Junior, late of Beekman, in the county of Dutchess, died seized of real estate, in the said county, without having made a will, leaving a daughter, Martha, since intermarried with Wheeler Gilbert, his heir and his wife; Mary, since intermarried with Abner Osborn, him surviving: *And whereas*, it is represented by the said Wheeler Gilbert, and Martha his wife, and Abner Osborn, and Mary his wife, that the dower of the said Mary in the said estate, cannot be set out to her, without material injury to the parties aforesaid, and that the interests of the said parties will be best served, and require that the said estate should be sold, and the proceeds disposed of as is hereinafter mentioned; but the said Martha being an infant, the same cannot be done without legislative provision: Therefore,

Preamble,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the said Wheeler Gilbert, and Martha his wife, and the said Abner Osborn, and Mary his wife, by petition to be presented to the chancellor, to set forth their case, and if it shall appear to him that it will be advantageous to the parties, and for their mutual interest that the said estate should be sold, he may, in a summary manner, and on such petition, direct such estate, or part thereof, to be sold by the said Wheeler Gilbert and Abner Osborn, together with such other discreet person or persons as he shall appoint, in such way as to him shall appear advisable; and the conveyance of the said Wheeler Gilbert and Abner Osborn, and the person or persons so to be appointed, shall be good and effectual, in the law, to pass the estate and interest in the premises of the said Wheeler Gilbert, and Martha his wife, and Abner Osborn, and Mary his wife, and each and every of them, to all intents and purposes whatsoever.

Estate, how to be sold.

II. *And be it further enacted*, That the persons making such sale, shall, as soon as conveniently may be thereafter, report the same to the chancellor, who shall thereupon, in his discretion, direct such disposition to be made of the proceeds of such sale, as to secure the said Mary Osborn, during her natural life, the receipt and income of a sum equal to the interest of one third part of the purchase money, deducting charges and expences; and to secure to the said Martha Gilbert and her heirs and assigns, the residue of the said fund, after deducting charges and expences; *Provided however*, That the said Wheeler Gilbert and Abner Osborn shall not have other greater or other power over the said property by reason of such sale or disposition, than they now respectively have in the estates aforesaid of their said wives.

Report to be made to the chancellor.

CHAP. XLVI,

An ACT to divide the town of Naples, in the county of Ontario.

Passed February 25, 1815.

Italy erected. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of Naples known and distinguished by township number seven, in the third range of Phelps and Gorham's purchase, in the county of Ontario aforesaid, be, and is hereby erected into a separate town by the name of Italy; that the first town meeting shall be at the house of James Fox, on the first Tuesday of April next, that all the remaining part of said town of Naples shall remain a separate town by the name of Naples.

Poor, &c. to be divided. II. *And be it further enacted,* That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice previously given for that purpose, by the supervisors thereof, to meet together and apportion the poor maintained by said town of Naples, and the poor money belonging to the same previous to the division thereof, agreeable to the then last tax list of said town, and that each town shall forever thereafter maintain its own poor.

CHAP. XLVII.

An ACT to amend the act, entitled "an act relative to incorporations for manufacturing purposes."

Passed February 25, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for any five or more persons who shall be desirous of forming a company for the purpose of manufacturing clay or earth, into wares or articles for any use whatsoever, to associate together and form such company according to the directions and restrictions mentioned in the act, entitled "an act relative to incorporations for manufacturing purposes," passed March 22d, 1811; and such company when formed, and their successors, shall be a body politic and corporate, in fact and in name, with all the privileges, capacities and liabilities in the said act mentioned and contained.

CHAP. XLVIII.

An ACT relative to the Lake Erie Turnpike Road Company.

Passed February 25, 1815.

WHEREAS it has been represented to this legislature, by the petition of the president and directors of the lake Erie turnpike

road company, that no election of directors of said company has been held for a period of near three years preceding the sixteenth day of June, in the year one thousand eight hundred and fourteen, and that an election of directors of the said company was held on the day and year aforesaid; and whereas doubts are entertained whether the said company was not dissolved by the said neglect to elect directors during the period aforesaid: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said company shall not be deemed to have been dissolved by reason of the said neglect to elect directors during the period aforesaid; and that the election of directors held on the said sixteenth day of June, in the year one thousand eight hundred and fourteen be, and the same is hereby declared legal and valid.

CHAP. XLIX.

An ACT to annex the Town of Colonie to the City of Albany.

Passed February 25, 1815.

WHEREAS the trustees of the town of Colonie, in the county of Albany, and the major part of the freeholders and inhabitants of the said town, have, in conjunction with the common council of the city of Albany, prayed that the said town of Colonie may be annexed to the said city, in the manner and upon the conditions herein after mentioned: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all that part of the town of Colonie aforesaid, comprehended within the following limits, to wit, "beginning at the south-east corner of the said town, and running northwardly, along the east bounds of the county of Albany, until a course of north, forty-eight degrees west, intersects or strikes a red cedar post with brick around it, standing on the west bank of Hudson's river, which post is distant twenty-two chains and thirty-six links, from the south-east corner of the store house of Stephen Van Rensselaer, on a course north, forty degrees twenty minutes west, and then north forty-eight degrees west to the west bounds of the said town, then along the west and south bounds thereof to the beginning," shall be and is hereby annexed to the said city, and erected into a ward thereof, by the name of the fifth ward; and that all the residue of the said town of Colonie, shall be and is hereby annexed to the town of Water-Vliet, in the said county of Albany.

Part of Colonie annexed to the city of Albany.

And erected into a fifth ward.

II. *And be it further enacted,* That the freeholders and inhabitants of the said fifth ward, shall enjoy all the rights, privileges and immunities, which are granted by the charter of the said city of Albany, and the several acts amending the same now in force, to the freeholders and inhabitants of the said city; and that the said fifth ward shall, to every intent and purpose provided for by the said charter, and the acts aforesaid, be subject to the control, government and regulation of the common council of the said city, in

Privileges of the inhabitants.

Proviso.

like manner as the other wards of the said city: *Provided always*, That it shall not be lawful for the common council of the said city, to appropriate any of the funds or property now belonging to the mayor, aldermen and commonalty thereof, for the purpose of laying out, opening, extending, straightening, widening, altering, forming or improving, or repairing any street, avenue or road, or making, repairing or cleansing any drain or sewer, in the said fifth ward; but the expence of every such regulation and improvement, shall be paid by the owners and occupants of houses and lands, within the said fifth ward, which are intended to be benefited thereby, in the manner herein after specified and prescribed.

Power of the common council relative to the improvements.

III. *And be it further enacted*, That if in the opinion of the said common council, it shall be necessary to take the ground or other real estate, with the appurtenances, of any person for the purpose of opening, laying out, extending, straightening or widening any street, road or avenue, in the said fifth ward, it shall be lawful for the mayor or recorder, and any two aldermen, by a precept under their hands and seals, to command the sheriff of the city and county of Albany, to empanel and return, and he is hereby required to empanel and return a jury to appear before the mayor's court of the said city, at any term in the said precept contained, not less than ten days from the date of such precept, to enquire of and assess the damages and recompence due to the owner or owners of such ground, or other real estate, with the appurtenances, and at the same time to summon the owner or owners of such ground, or other real estate, with the appurtenances, or his or their agent or legal representative, by written notice to be left at his or their most usual place of abode, to appear before such mayor's court, on the day and place in such precept to be specified; upon which precept the said sheriff shall summon twenty-four good and lawful men, qualified to serve as jurors in the said court, which jury, being first sworn faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, if necessary, shall enquire and assess such damages and recompence, as they shall judge fit to be awarded to the said owner or owners of such ground, or other real estate, with the appurtenances, for their respective losses, according to their several interests, or their estates therein; and it shall then be the duty of such jury to apportion and assess the whole amount of such damage and recompence, upon the owners of all the land or real estate, to be benefited thereby, as nearly as may be, to the advantage which each shall be deemed to acquire; and the jury shall make such assessment in writing, and shall subscribe their names thereto; and where the owner or owners of any land or real estate, so assessed, shall be unknown to the said jurors, it shall be sufficient to state in such assessment, that such owner or owners are unknown, and the land or real estate of such owner or owners, shall be bound and affected, in like manner as if he or they had been named in such assessment; and such assessment of such damage and recompence due to the owner or owners of ground or other real estate, with the appurtenances, taken for the purposes aforesaid; and the apportionment of such damage upon the owner or owners of land or real estate, benefited thereby, being returned at that or the next term of the said mayor's court,

Damages, how to be assessed.

by the said jury or their foreman, and being confirmed by the said mayor's court, shall be conclusive and binding as well upon the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the said ground, or other real estate, with their appurtenances, as upon those persons amongst whom the apportionment of such damage shall have been made by such jury; and it shall thereupon be lawful for the said common council to cause the said ground or other real estate, with the appurtenances, to be converted to, and used for the purpose aforesaid, for which the same shall be required; and upon the request of the owner or owners of any of the real estate so taken for the improvement so required, it shall be the duty of the common council forthwith to enforce payment of the said assessment in the manner herein after prescribed, against the owners benefited by such improvement, and who shall have been assessed as aforesaid; and the said monies when received, shall be paid over to such owner or owners, whose real estate shall have been taken as aforesaid, according to the said assessment.

IV. *And be it further enacted*, That in case any real estate belonging to any unknown owner, shall be taken for any improvement in this act specified as aforesaid, it shall be lawful for the said mayor's court to ascertain and determine the part or portion of the sum assessed, among such of the said owners as shall apply to the said court, in like manner as directed by the second proviso of the eleventh section of the act, entitled "an act relative to the city of Albany," passed April sixth, in the year one thousand eight hundred and thirteen; and such part or portion so ascertained and determined, shall be paid to the owner, or owners, to whom the same shall be awarded by the said court, out of the monies to be collected by virtue of the assessment made by the jury aforesaid; and further, that the twelfth section of the said act, shall apply to the said fifth ward, in like manner as the same is now in force with regard to the other wards of the said city.

In the case of unknown owners of lots

V. *And be it further enacted*, That such apportionment and assessment among the owner or owners of land or real estate benefited by such improvement, shall be a lien on the respective peices or lots of ground among which such apportionment or assessment has been made; and in case of neglect or refusal to pay the same, it shall be lawful for the said common council to direct a sale at public vendue, of such lot or lots, subject to the payment of such apportionment or assessment, on a certain day and place, in the notice of sale to be contained, giving three months notice thereof, in one or more of the public newspapers printed in the city of Albany, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the amount of such assessment, with interest and the cost of advertisement and declaration of sale; and if the same shall be sold, it shall be lawful for the said mayor, aldermen and commonalty, to execute to the purchaser or purchasers, a declaration of sale, under the common seal of the said city, and such purchaser or purchasers, his or their executors, administrators or assigns, shall by virtue thereof, have, hold and enjoy the same, for his and their own proper use, against the said owner or

Assessment to be a lien on property.

owners thereof, and all persons claiming under him or them, until his or their term shall be completed and ended.

Inhabitants
of 5th ward
not liable to
tax to im-
prove the o-
ther wards.

VI. *And be it further enacted*, That the freeholders and inhabitants of said fifth ward, shall not be liable to be taxed to defray the expence of laying out, opening, straightening, widening, extending, forming, altering, improving, or repairing any street, avenue or road, or for making, mending or cleansing, any drain or sewer, in any of the other wards of the aforesaid city.

Officers of the
ward.

VII. *And be it further enacted*, That the said fifth ward, shall have an equal representation in the said common council, with each of the other wards of the said city of Albany; and that until the next annual election for charter officers in the said city, Peter Dax and Isaac I. Fryer shall be the aldermen; and Henry W. Snyder and Christopher Ruby, shall be the assistants, of the said fifth ward.

CHAP. L.

An ACT for the Relief of Christian Bouck.

Passed February 25, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all the right, estate, title, interest, claim and demand whatsoever, of the people of this state, in or to the farm now in the occupation of Christian Bouck, in the town of Middleburgh, in the county of Schoharie, be and the same are hereby released and quit-claimed unto the said Christian Bouck, his heirs and assigns, forever.

CHAP. LI.

An ACT to incorporate the Catetunk Lock Navigation Company.

Passed March 3, 1815.

Preamble.

WHEREAS Elnathan Andrews, Septer Patrick, and others, by their petition represented to the legislature, that the Catetunk creek is capable of being rendered by means of locks, dams and canals, navigable for boats and arks, and have prayed, that they and their associates may be incorporated for that purpose, with a capital of seventy-five thousand dollars.

E. Andrews
and others in-
corporated.

I. *Be it therefore enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said Elnathan Andrews, Septer Patrick, and such other persons as have associated, or shall associate with them, for the purpose of making, by means of locks, dams and canals, the waters of the said Catetunk creek navigable for boats and arks, from the junction of the said creek with the Susquehannah river, to the upper forks of the north-west branch of the said creek, be, and they are hereby considered, a body corporate and politic, in fact and in name, by the name of "the

president, directors and company of the Catetunck lock navigation company," and by that name, may have perpetual succession, until the first day of January, one thousand eight hundred and forty-five, and no longer; and may sue and be sued, defend and be defended, implead and be impleaded, in all courts and places whatsoever; and may have a common seal, and may change the same at pleasure; and the affairs and business of said corporation shall be managed and directed by seven directors, to be elected in the manner hereinafter mentioned, four of whom shall constitute a quorum for the transaction of business; and the first directors shall be the following persons, to wit: Henry Bloom, Elnathan Andrews, Septer Patrick, John Richardson, Glen Cuyler, Christopher Morgan, and Jonathan Richmond, who shall hold their offices until the first Monday in May, one thousand eight hundred and sixteen, and until others shall be chosen in their stead, and annually on that day thereafter the directors of said corporation shall be elected, at such place as the board of directors shall previously appoint, at least thirty days before such election, a notice of which appointment shall be published for three weeks successively in a newspaper published in the county of Cayuga, and in a newspaper published in the county of Broome; and the directors shall choose one of their own number to be president: but in case he shall be absent at any meeting of the board of directors, the directors may appoint a president pro hac vice, but the incorporation shall not be dissolved by reason of the not holding an annual election at the day and place appointed; and the board of directors in such case may, by a by-law, provide for holding an election of directors on a subsequent day; and if any vacancy shall happen by death or the resignation of one or more of the directors, such vacancy shall be filled, for the remainder of the year, by such person or persons as the rest of the directors for the time being shall elect.

Style, &c.

First directors.

Elections, how to be made.

II. *And be it further enacted*, That the capital stock of said corporation shall consist of two thousand shares, of thirty-five dollars each, and that Elnathan Andrews, Glen Cuyler and John Richardson; be, and they are hereby appointed commissioners to open three books, for the purposes of receiving subscriptions to the capital stock of said corporation, in each of which books shall be written as follows: We, whose names are underwritten, severally for ourselves and legal representatives, promise to pay to the president, directors and company of the Catetunck lock navigation company, thirty-five dollars for every share of stock set opposite to our respective names, at such times and portions as said president, directors and company shall require; and every subscriber shall, at the time of his subscription, pay to the said commissioners, or any one of them, five dollars on each and every share to be so subscribed; and it shall be lawful for the said president, directors and company, to demand payment of such further portions of said stock, as in the judgment of the board of directors may, from time to time, be necessary or proper, under the penalty of forfeiting the said stock and all previous payments made thereon, to the said president, directors and company, giving at least sixty days notice in two newspapers to be printed as before mentioned, of such demand, and of the time and place such portion or instal-

Stock, how subscribed.

When payable.

ment shall be payable; and it shall be the duty of the said commissioners, to keep the said books open to any person for subscription, until the whole number of shares shall have been subscribed; and if a greater number than two thousand shares shall be subscribed, the said three commissioners shall apportion the said stock as near as may be among the subscribers, in proportion to the number of shares subscribed by each of them; and the commissioners shall, when required by the board of directors, deliver the said books to them, and pay over all monies paid to the said commissioners on the subscriptions aforesaid.

Shares and
votes to be e-
qual in num-
ber.

Power of the
directors.

III. *And be it further enacted*, That each stockholder shall have in the said corporation, and at the election of directors thereof, as many votes as he may have or hold shares in the said capital stock of said company.

IV. *And be it further enacted*, That the said board of directors shall have power to make such bye-laws, rules, orders and regulations for the well ordering the concerns of said corporation, as they shall deem necessary, provided the same shall not be contrary to the constitution or laws of this state, or of the United States; and the said corporation may take, purchase and hold such lands, tenements and hereditaments, goods, chattels and effects, not exceeding twenty thousand dollars in value, as may be requisite for effecting the objects of this incorporation; and the board of directors may convene special meetings of the stockholders, giving at least thirty days notice by publication as aforesaid, of the time and place of such meeting; the board of directors shall also have power to appoint such and so many officers, agents, clerks, superintendants, engineers, toll gatherers, workmen and other servants, as they shall deem proper in and about the business and concerns of said corporation.

Surveyor-Gen-
eral's duty
in taking le-
vals, &c.

V. *And be it further enacted*, That it shall be the duty of the surveyor-general of this state, and he is hereby required, upon the application, at the sole expence of the said corporation, to cause to be made under his direction, by some competent person or persons to be appointed by him, (and who shall be duly sworn faithfully to execute the trusts reposed in him or them) such levels, surveys and maps of the said creek, and of the streams of water falling or emptying therein, and of the lands adjacent to the said creek, as may be necessary or requisite to enable the said surveyor-general to ascertain and determine, whether it be practicable by means of dams, locks and canals, as aforesaid, to render the said creek navigable for boats and arks of at least twenty-five tons burthen, between the points herein before mentioned; and it is hereby made the duty of the said surveyor-general to ascertain and determine that matter, and as soon as he shall have ascertained and determined the same, he shall certify in writing his determination thereof, and shall cause the certificate of his said determination to be filed in the office of the secretary of this state: and in case the said surveyor-general shall ascertain, determine and certify, that it is practicable, by means of dams, locks and canals, as aforesaid, to render the said creek, between the points aforesaid, navigable for boats and arks of at least twenty-five tons burthen, then it shall be the duty of the surveyor-general, to cause to be made, in manner aforesaid,

Certificate to
be filed in the
secretary's
office

and at the expence of the said corporation, a map, containing an accurate delineation of the said creek, and of the streams of water falling or emptying therein, and of the lands adjacent thereto, and of the several dams locks and canals to be made for the purpose aforesaid; and the said surveyor-general shall cause the said map to be deposited in the office of the secretary of this state, and shall deliver to said corporation a copy thereof, certified by him; and it shall then be lawful for the said corporation to apply to the several owners of the lands upon which the said dams, locks and canals may be intended to be erected, and of the several streams of water intended to be used or employed in such canals, and of the several mills and other hydraulic works which may be affected or injured thereby, and to agree with such owners respectively touching the compensation to be paid to them by the said corporation for the purchase thereof, and for their respective damages; and in case of disagreement between the said corporation and the said owners, or any one of them, then the said corporation may, upon giving fifteen days previous notice to such owner or owners, apply to the court of common pleas of the county in which such lands, streams of water, mills, or other hydraulic works may be situated, to appoint three commissioners to appraise the damages of such owner or owners; and thereupon the said court of common pleas shall appoint three judicious, disinterested and impartial persons, being freeholders of the said county, to be commissioners to appraise the same, and the damages of such owner or owners; and it shall be the duty of the said commissioners, before they shall take upon them the duties of their said office, to take and subscribe an oath before some competent magistrate, faithfully and impartially to ascertain and determine, according to the best of their skill and understanding, the amount or value of any land or other real estate which may be taken or deemed to be necessary to be used for such dams, locks or canals, and the amount of the damage or damages, which such owner or owners may in any wise sustain, or be put to, by reason or by means of the said dams, locks and canals, or any one of them; and it shall be the duty of the said commissioners carefully to enquire into, ascertain and determine the amount or value of such land, or other real estate, and of the said damages of such owner or owners respectively; and to make and return to the said court of common pleas, an inquisition under their hands and seals, or the hands and seals of any two of them, as ascertaining and determining the value of such land or other real estate, and the amount of the said damages; which inquisition, being fairly and regularly made, shall be confirmed by the said court, and shall be final and conclusive as to the amount of the said value and damages between the several and respective parties thereto; and if it shall be made to appear to the said court, on the behalf of any party to such inquisition, that it had been irregularly or unfairly made, then the said court shall set aside such inquisition, and may appoint three other commissioners to ascertain and determine in like manner the said value and damages; and the said corporation, paying to the said several owners of said land the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns, during the continuance of their charter, the lands and tenements described therein: *Provided, That*

Damages,
how ascer-
tained.

nothing in this act shall be construed to authorise the said president and directors, or any other person whatsoever, to enter upon such lands and thereon make such dams, locks and canals, until they shall have paid the value of such land or other real estate, together with such damages as may be agreed upon or appraised according to the provisions of this act.

Part of a former act applicable to this corporation.

VI. *And be it further enacted*, That the rules and articles prescribed in and by the sixth section of the act, entitled "an act for the establishing and opening lock navigation within this state," except the first, second, fourth, fifth, tenth and eleventh articles, shall form and be the fundamental rules of the corporation hereby erected: no person shall be eligible as director who shall not be a stockholder, and resident in this state at the time of such election: dividends shall be made and declared once, at least, in every year, and twice, if the board of directors think proper: no transfer of stock shall be made but in the manner directed by the directors.

Amount of toll.

VII. *And be it further enacted*, That the president, directors and company, may demand and receive from all boats, vessels and rafts, passing through all the locks and canals to be constructed by virtue of this act, such toll upon and for every ton of the tonnage of such boats or vessels, and for every hundred feet cubic measure of timber, and for every one thousand feet board measure of boards, plank or scantling, in rafts, as the board of directors shall determine; but the tolls for passing through the whole of the said locks and canals, shall not exceed one dollar and seventy-five cents for each ton of the tonnage of any such boat or vessel, and so in proportion for timber, boards and plank, scantling or other articles; but boats of less burthen than one ton shall pay the toll for one ton; and all empty boats or vessels passing through said canals and locks, shall pay but one half toll upon the tonnage of said boat or vessel.

Tonnage, how ascertained.

VIII. *And be it further enacted*, That if the owner or master of any boat or vessel shall require it, it shall be lawful for the toll-gatherers, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat or vessel, which mark shall always be evidence of the tonnage in payment of toll; but if the owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the toll-gatherer may appoint one for him, and such person shall have the same power and authority as if chosen by such owner or master: and further, the toll-gatherers may respectively stop and detain any boat, vessel or craft, subject to and not paying toll, until such toll be paid: and further, if any person shall wilfully do any act whereby any lock or canal, gate, engine or machine, or other thing thereto pertaining shall be injured or damaged, such offender shall pay four-fold damages and costs to said corporation, recoverable in any court having jurisdiction thereof: *Provided always*, That the said corporation shall not be permitted to ask or demand any toll under this act, until the said locks and canals aforesaid shall be completed from the junction of the said Catetunck stream with the Susquehannah river, to the place where the main branch of the said stream leaves the turnpike road, and the valley that leads from Oswego to the village of Ithica; and which toll shall be paid

Proviso.

in proportion to the distance that the part of the navigation so completed bears with the whole extent of said navigation.

IX. *And be it further enacted*, That it shall be the duty of the said corporation to exhibit annually, on the first day of May, to the comptroller of this state, upon the oath of their president and treasurer, a full and true account and statement of all the receipts and expenditures of the said corporation during the preceding year: and the said comptroller shall so regulate the rate of toll to be received by the said corporation, from time to time, during the continuance of this charter, that the amount of the annual receipts of said corporation shall not exceed fifteen per cent over and above all necessary expences and expenditures.

Accounts to be rendered to the comptroller.

X. *And be it further enacted*, That whenever the navigation shall be completed, any owner or occupant of any land adjoining any of the waters of the said Catetunck stream, may make cuts from any of the canals of said corporation, and use the waters for mills or other hydraulic works, so, however, as not to impede the navigation aforesaid, or prevent the company from the use of so much water as at all times shall be necessary for the purposes of such navigation: *Provided*, That nothing in this act contained shall authorise said corporation to use any of the waters for any other purpose than for the navigation aforesaid.

Cuts may be made from the canal.

XI. *And be it further enacted*, That this act shall be, and is hereby declared a public act, to continue for thirty years from the first day of January next: *Provided however*, That the locks and canals shall be completed in five years from the passing of this act; and if the same are not so completed within the time aforesaid, this act, and every thing herein contained, shall cease and be void.

This declared a public act.

CHAP. LII.

An ACT to vest certain Powers in the Freeholders and Inhabitants of Newtown.

Passed March 3, 1815.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the district of country within the county of Tioga, contained in the following bounds, that is to say, "beginning at the confluence of the Tioga river and Newton creek, thence up the said creek to the bridge crossing the same near Carpenter's saw-mill, thence along the centre of the lane leading from the said bridge southwardly to the north boundaries of Wisner's farm, thence along the north boundary line of said farm westerly until it intersects the eastern boundary line of the farm at the upper end of said village, owned by John Davis, thence along the eastern boundary line of said Davis' farm southwardly to the Tioga river, thence down the north shore of the said river at low water mark to the place of beginning," shall hereafter continue to be known and distinguished by the name of the "Village of Newtown;" and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may, on the second Tuesday in May, meet at the court-house in the said village, a notice

Bounds of the village.

Trustees, how to be elected.

whereof shall be made in writing, and signed by a justice or justices of the peace residing in the county of Tioga, and put up in at least three public places ten days before the said second Tuesday in May next, and then and there proceed to elect five discreet freeholders, residents within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified; and such justice or justices shall preside at such election, and shall declare the persons having the greatest number of votes duly elected trustees; and on every second Tuesday in May after the first election of trustees, there shall in like manner be a new election of trustees for said village; and the trustees for the time being shall perform the duties required from the said justice or justices, in respect to notifying meetings, and presiding at such elections.

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the said limits be, and they are hereby Corporate style & power of the trustees ordained, constituted and declared to be from time to time, and forever hereafter, a body politic and corporate, in name and in fact, by the name and style of "The Trustees of the Village of Newtown," and by that name they and their successors, forever, shall and may have perpetual succession, and be persons in the law capable of suing and being sued, and of defending and being defended, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and erecting any buildings, aqueducts, and digging any reservoirs for water for the use of the said village, and for keeping in repair such aqueducts, buildings and reservoirs, of purchasing and keeping in repair fire-engines, ladders, buckets, and other instruments for extinguishing fire, for improving the streets, erecting bay-scales, and for making any other regulations for preventing and extinguishing fires, preventing and removing nuisances, and relating to the price of bread in the said village, that the said trustees may from time to time deem necessary, and of raising a sum by tax for the purposes aforesaid, not exceeding three hundred dollars in any one year: *Provided,* That no tax shall be levied, or money raised, assessed or collected, for the purposes aforesaid, and purchase or sale of any real estate be made, and no building or reservoir be made or disposed of, without the consent of the freeholders and inhabitants of said village, or the major part of them, at the annual meeting for the election of trustees first obtained.

III. *And be it further enacted,* That it shall be lawful for the Trustees may make by-laws trustees of said village, or a major part of them, and their successors, to make, ordain, constitute and publish such by-laws, rules and regulations as they, from time to time, shall deem meet and proper, and for the benefit of the said village, relating to the objects in the next preceding section, and not inconsistent with the laws of this state or of the United States; and it shall be lawful for the said trustees to ordain, constitute, and publish, such fines and forfeitures for the breach of any such by-laws, rules and re-

gulations, as they may think expedient : *Provided nevertheless*, That no forfeiture or fine shall be inflicted over and above the fine of ten dollars for any one offence against such by-laws.

IV. *And be it further enacted*, That the freeholders and inhabitants, qualified to vote for trustees as aforesaid, at their annual meeting, shall, and they are hereby authorised to choose one treasurer and one collector, being freeholders of said village ; and the person having the greatest number of votes for each office respectively, shall be deemed duly chosen ; and in case a vacancy shall happen in either of the above offices, by death or removal from the said village, or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply such vacancy until the next annual meeting ; and the person so appointed shall be liable to the same penalties and restrictions as if duly elected at the annual meeting.

Other officers
to be chosen.

V. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election, respectively take and subscribe an oath or affirmation before any justice of the peace of the county of Tioga, for the faithful execution of the office or trust to which they may be severally elected : *Provided nevertheless*, That the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively give securities to the trustees of the said village for the respective discharge of their respective offices, in such sum as a majority of them shall deem sufficient.

They shall
take an oath.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen, out of the inhabitants of the said village, and the same, or any of them, to remove at pleasure, and to appoint others in their stead ; to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such by-laws, rules and regulations for the government of the said company, and inflict, ordain and establish such penalties for the breaking or disobeying such by-laws, rules and regulations as they may deem expedient : *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fine and penalties whenever a majority of them shall deem it proper.

Firemen.

VII. *And be it further enacted*, That it shall be the duty of the said trustees and their successors, annually to assess on the several inhabitants and freeholders living in the said village, the amount of the taxes which the freeholders and inhabitants shall, at their annual meeting, determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax ; and they shall also execute the duties of fire-wardens of said village in cases of fire : *Provided*, That if any person shall deem himself or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the county of Tioga, giving notice to the said trustees of such appeal, and of the time and place for determining thereof by such justices,

Tax.

who shall hear the same, and do therein what to justice shall appertain.

President,
how to be
chosen.

His duty.

Secretary's
duty.

VIII. *And be it further enacted,* That the trustees, within twenty days after their election, or a major part of them, shall, and it is hereby made their duty, to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the board of trustees, and some other suitable person to be clerk of said board of trustees; and it shall be the duty of the president to preside at the meetings of the trustees, to order extraordinary meetings whenever he may conceive it for the interest of the said village, to see that all by-laws and regulations of the said village are enforced and faithfully executed, to prosecute in the name of the trustees all offences against, or violations of the by-laws, ordained and published as aforesaid; to keep the seal of said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper; and in case of the death, removal, or inability of the president to discharge the duties of his office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall, within ten days thereafter, meet and elect another president of their body, to hold his office until the next annual meeting; and it shall be the further duty of the president to take care of, and preserve all the property belonging to the village, to preside over all public meetings of said village, and to do all other things proper for the president of the village to do; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations as are made by the freeholders and inhabitants of said village at their public meetings; and also to attend the meetings of the trustees, and record all by-laws, rules and regulations passed by them; and the trustees shall have the power to remove such clerk, and appoint another, and to appoint one pro-tempore in the absence of the clerk; and the clerk shall receive such compensation for his services as the trustees shall deem sufficient, to be paid out of the funds of the village.

Collector's
duty.

IX. *And be it further enacted,* That the collector shall, within such time as shall be hereafter limited by the by-laws of the corporation, after receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same over to the treasurer; and that such collector shall have and exercise the same power in collecting said taxes, by distress and sale, as the several collectors of towns have in the levying and collecting of taxes; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeable to the provisions of this act.

Accounts of
expenses.

X. *And be it further enacted,* That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and the treasurer and collector shall receive for their several services such suitable compensation as the freeholders and inhabitants of said village shall, at their annual meeting, determine.

XI. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid, shall be elected or chosen a trustee, and shall refuse or neglect to serve as such, it shall be lawful for the trustees who do accept and serve, or a majority of them, to impose upon such person a fine not exceeding ten dollars for any one offence; and that every fine and penalty imposed agreeably to the provisions of this act, may be sued for and recovered in the name of the trustees, in any action of debt, in which it shall be sufficient for the trustees, in any action of debt, to declare generally, that the defendant is indebted to them by virtue of this act.

Penalty for refusing to serve when elected to office.

XII. *And be it further enacted*, That it shall be the duty of president to give notice to the inhabitants of said village of all public meetings, at least ten days previous thereto, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Notice of meetings to be given.

XIII. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the use of the said village; and the treasurer shall, and he is hereby authorised, in case any person having received any money by virtue of this act, to and for the use and benefit of said village, and shall refuse and neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village, for monies had and received, to and for the use of said village.

Fines, &c. how to be disposed of.

XIV. *And be it further enacted*, That it shall be lawful for the legislature at any time to repeal or amend this act.

This act may be altered or repealed.

CHAP. LIII.

An ACT for the better description of Towns in the County of Genesee.

Passed March 3, 1816.

WHEREAS the following towns have been erroneously described in the act for dividing the counties of this state into towns, whereby disputes have arisen as to their precise limits: Therefore,

Preamble.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the county of Genesee included within the following lines, to wit: beginning at the south-west corner of the town of Caledonia, thence west to the eastern transit meridian line, thence north along the said eastern transit meridian line to the southern bounds of township number one in the Connecticut tract so called, thence west to the south-east corner of lot number two hundred and twenty in the said first township of the Connecticut tract, thence north on the line of lots of said township to the southern bounds of the town of Bergen, thence east to the north-west corner of the town of Caledonia, thence along the western boundary of the said town of Caledonia to the place of beginning, shall be and continue a town by the name of Le Roy.

Bounds of Le Roy.

Batavia. And that all that part of the said county of Genesee included within the following lines, to wit : beginning in the western bounds of the town of Le Roy, at the north-east corner of the town of Bethany, thence along the said western bounds of the town of Le Roy to the north-west corner thereof, thence west along the southern bounds of the town of Bergen to the eastern transit meridian line, thence north to the north-east corner of township number thirteen in the first range of townships of the Holland land company, thence west to the north-west corner of township number thirteen in the second range of said townships, thence south to the north-west corner of the town of Alexander, and thence east to the place of beginning, shall be and continue a town by the name of Batavia.

Pembroke. And that all that part of the said county of Genesee bounded north by the northern bounds of the Tonawonta Indian reservation, east by the towns of Batavia and Alexander, south by the town of Sheldon, and west by Niagara county, shall be and continue a town by the name of Pembroke.

Ridgeway. And that all that part of the said county of Genesee bounded west by Niagara county, north by the northern bounds of Genesee county, east by the eastern transit meridian line and a line extended north from the northern termination thereof to the northern bounds of Genesee county, and southerly by a line running east from the north-west corner of the town of Pembroke along the northern bounds thereof to the western bounds of the town of Batavia, and thence north to the north-west corner of the said town of Batavia, and thence east along the northern bounds of the said town of Batavia to the eastern transit meridian line, shall be and continue a town by the name of Ridgeway.

Bergen. And that all that part of the county of Genesee included within the following lines, viz. beginning at the south-east corner of the town of Bergen, thence northerly on the line between the town of Bergen and Riga to the north-east corner of township number two on the triangle, thence westerly on the north line of said township to the east line of the Connecticut tract so called, thence north to the north-east corner of lot number ninety-six, thence westerly on the north lines of lots number ninety-six, ninety-five, ninety-four, ninety-three, ninety-two, ninety-one, ninety, eighty-nine, eighty-eight, eighty-seven, eighty-six, eighty-five, to the transit line, thence south to the north line of the town of Le Roy, thence east on the line of lots to the place of beginning, shall be and continue a town by the name of Bergen.

Sweden. And that all that part of the county of Genesee included within the following lines, viz. beginning at the south-east corner of the town of Sweden, thence northerly on the line between the towns of Sweden and Riga and Parma to the north-east corner of township number three on the triangle, thence westerly on the north line of said township to the east line of the Connecticut tract, thence south to south-east corner of lot number thirteen, thence west on the south lines of lots thirteen, twenty-one, fifty-one, seventy-one, ninety-three, one hundred and fifteen, one hundred and thirty-eight, one hundred and sixty-one, one hundred and eighty-five, two hundred and ten, two hundred and thirty-five, two hundred and sixty, to the transit line, thence south to the north line of the town of Ber-

gen, thence east on the north line of the said town of Bergen to the place of beginning, shall be and continue a town by the name of Sweden ; and that the north line of said town of Sweden shall be the south line of the town of Murray.

CHAP. LIV.

An ACT to incorporate the Butchers' Benevolent Society of New-York.

Passed March 3, 1815.

WHEREAS David Marsh, Benjamin Benson, and others, inhabitants of the city of New-York, have associated themselves together under the name and description of the Butchers' Benevolent Society, for the purpose of affording relief to the indigent and distressed members of the said association, their widows and orphans, and others who may be found proper objects of their charity ; they therefore pray that the legislature will be pleased to incorporate them for the purposes aforesaid, under such limitations and restrictions as to the legislature shall seem meet : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That such persons as now are or shall from time to time become members of the said society, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in deed, fact and name, by the name of the "Butchers' Benevolent Society of the city of New-York," and that by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and change and alter the same at their pleasure ; and that they and their successors, by the same name, shall be capable in law to purchase, take, receive, hold and enjoy, to them and their successors, any real estate, in fee simple, or for term of life or lives, or otherwise, and any goods, chattels or personal estate, for the purpose of enabling them the better to carry into effect the benevolent purpose of affording relief to the indigent and distressed ; provided the yearly value of such real and personal estates shall not exceed the sum of five thousand dollars ; and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estate, or any part thereof, at their will and pleasure ; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, admission of new members, and for regulating all the affairs and business of said corporation : *Provided always,* That such by-laws and regulations shall not be repugnant to the constitution or laws of this state or of the United States.

II. *And be it further enacted,* That David Marsh be, and he hereby is appointed first president ; that Cornelius Schuyler be,

Preamble.

Society incorporated.

Their style and power.

Proviso.

Proviso.

Officers.

and he is hereby appointed first vice-president, John Graff first treasurer, and Benjamin Benson first secretary thereof; and that the above named shall hold their offices respectively for such period as by the by-laws of the society shall be determined.

This is a public act. III. *And be it further enacted,* That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places benignly and favorably, for every beneficial purpose therein contained.

In duration. IV. *And be it further enacted,* That this act shall be and remain in full force and virtue for the term of fifteen years, and no longer: *Provided nevertheless,* That in case the corporation shall at any time divert from or appropriate its funds, or any part of its funds, to any purpose or purposes other than those intended or contemplated by this act, or shall at any time pass any law or regulation respecting the price of meat, or other articles, or relative to the business which the members thereof do follow, and shall be thereof convicted by due course of law, that thenceforth the said corporation shall cease and determine, and the estate, real and personal, shall vest in the people of this state: *And provided further,* That nothing herein contained shall be construed to prevent the legislature of this state, at any time in their discretion, within the period above limited, from altering or repealing this act,

CHAP. LV.

An ACT to change the name of Benjamin Hoar, and others, to the name of Whitney.

Passed March 3, 1815.

WHEREAS a petition has been presented to the legislature of the state of New-York by Benjamin Hoar, of the town of Cambridge, in the county of Washington, on behalf of himself and his wife, Abigail Hoar, and his minor children Oliver Hoar, Polly Hoar, and Abigail Hoar; and also by Theophilus Hoar, Abel Hoar, and Silence Hoar, the adult children of the said Benjamin Hoar, all of the same place, praying that the names of the said Benjamin and his said wife and children, may be changed from that of Hoar, to that of Whitney: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the names of the said Benjamin Hoar, and his wife Abigail Hoar, and his said children, Theophilus Hoar, Abel Hoar, Silence Hoar, Oliver Hoar, Polly Hoar and Abigail Hoar, shall be, and the same are hereby changed from that of Hoar, to that of Whitney; and the said Benjamin Hoar and his said wife and children, and their descendants, shall forever be called and known by the name of Whitney, and shall sue and be sued, plead and be impleaded, by the name of Whitney, and no other name, until their marriage with persons of other names shall render it otherwise by the laws of this state.

CHAP. LVI.

An ACT to extend the time for the payment of Monies loaned by the Loan Officers and the Commissioners of Loans, and for other purposes.

Passed March 3, 1815.

I. *Be it enacted by the people of the state of New-York, re-* Time extend-
presented in Senate and Assembly, That the time for the pay- ed for paying
 ment of the monies loaned to sundry persons by virtue of the act, loans.
 entitled "an act for emitting the sum of two hundred thousand
 pounds in bills of credit," passed the eighteenth day of April, one
 thousand seven hundred and eighty-six; and the act, entitled "an
 act for loaning monies belonging to this state," passed the four-
 teenth day of March, one thousand seven hundred and ninety-two;
 and the act, entitled "an act authorising a loan of monies to the
 citizens of this state," passed the eleventh day of April, one thou-
 sand eight hundred and eight, be, and the same is hereby extend- Proviso-
 ed to the first Tuesday in May, in the year one thousand eight hun-
 dred and twenty: *Provided nevertheless,* That an interest of se-
 ven per cent per annum shall be annually paid from and after the
 third Tuesday of June next, upon the monies loaned by virtue of
 the above recited acts.

II. *And be it further enacted,* That it shall be lawful for the Principal,
 loan officers of the old and new loan offices, and for the commis- how received
 sioners for loaning money, and it is hereby made their duty, to re- and re-loan-
 ceive so much of the principal, loaned by them respectively, as by
 law has been allowed to be paid, taking care, however, to re-loan
 the same as soon as may be for the term limited as aforesaid, a-
 greeably to the acts under which they may have respectively been
 appointed, at an interest of seven per cent.

III. *And be it further enacted,* That from and after the first Interest to be
 day of July next, all loans now due, heretofore made by the trea- 7 per cent.
 surer or comptroller of this state, to any individual or body corpo-
 rate from the funds or revenues of this state, shall bear an interest
 at and after the rate of seven per centum per annum, until paid;
 and that all loans so made as are not yet due, shall, from and after
 the time at which they shall respectively become due, bear the like
 interest until paid, any thing in the securities given for said loans
 to the contrary notwithstanding: *Provided always,* That this pro-
 viso shall not extend to the debt due from the bank of New-York.

IV. *And be it further enacted,* That the comptroller shall Copies of this
 cause to be printed such number of copies of this act, as shall be act, how to be
 sufficient to furnish the several loan officers and commissioners for distributed.
 loaning monies within this state, each with one copy, and to trans-
 mit the same at the expence of this state, by mail, to the said loan
 officers and commissioners respectively.

LAWS OF NEW-YORK,

CHAP. LVII.

An ACT to authorise the Supervisors of the county of Saratoga to raise money by tax, for the purpose of building a Bridge across Fish creek.

Passed March 3, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Saratoga, at their next annual meeting, to levy and raise by tax on the freeholders and inhabitants of the town of Saratoga, in the county of Saratoga, the sum of five hundred dollars, to be paid to the commissioners of highways for the said town, for the purpose of re-building the bridge called "Stafford's bridge," across Fish creek, in the said town of Saratoga, in the county aforesaid.

CHAP. LVIII.

An ACT authorising the Commissioners of the Land Office to sell and convey to Peter B. Porter, the ferry lot at Black Rock.

Passed March 3, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land office are hereby authorised and directed to sell and convey in fee simple, to Peter B. Porter, a lot of land belonging to the people of this state, lying at Black Rock, on the Niagara river, known and distinguished as the ferry lot at Black Rock, containing one hundred acres of land, he the said Peter B. Porter paying therefor at and after the rate at which the same shall be appraised by the surveyor-general of this state, one fourth part of the consideration money to be paid to the treasurer of this state, before the execution of said conveyance and executing his bond and mortgage on the said land to the people of this state for the residue of said consideration money, payable in three annual instalments, with the interest thereof, annually.

CHAP. LIX.

An ACT granting to Robert Macomb a certain piece of Land.

Passed March 3, 1815.

WHEREAS Robert Macomb, at his own expence, and under the direction of the commissioners of highways of the town of Yonkers, in Westchester county, hath altered, amended and improved the public highway in front of his farm in the town aforesaid, and in consideration thereof he hath been permitted to enclose a certain part of the former highway which hath become unnecessary for

public travel, under an agreement entered into and concluded by the said commissioners of highways and the said Robert Macomb : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Robert Macomb, his heirs and assigns, forever, shall have, hold and enjoy all that certain piece of land lying in front of his farm in the town of Yonkers, in the county of Westchester, which piece of land is bounded as follows, beginning at the termination of the highland turnpike road, at low water mark in the Harlem creek, and running thence westerly along said low water mark to the westerly side of the bridge commonly called Kingsbridge ; thence easterly along the southern boundary of the farm of said Robert Macomb, in the aforesaid town, until the same strikes the said turnpike road ; thence to the place of beginning, excepting and reserving thereout the public highway in front of said farm, as now laid out: Provided always, That the said Robert Macomb, his heirs and assigns, shall at all times hereafter, at his or their proper cost or expence, keep and maintain said road, so excepted and reserved, in good and sufficient repair and condition : And provided further, if at any time hereafter the said road so excepted and reserved, shall not be kept and maintained in good and sufficient repair and condition (thirty days notice thereof being first given by the commissioners of highways of said town to the said Robert Macomb, his heirs and assigns), that then this act and every thing herein contained, shall become totally void and of no effect whatever.

CHAP. LX.

An ACT for the relief of the infant heir of John Vickers, deceased.

Passed March 3, 1815.

WHEREAS Ann Vickers, the widow of John Vickers, deceased, ~~Preamble~~ hath by petition, presented to the legislature, stated that the said John Vickers died intestate, leaving a son, an infant of between two and three years of age, his sole heir ; that at the time of his death, the said John Vickers was seized of a certain farm or piece of land situate in the town of New-Lisbon and county of Otsego ; that the said farm is situated at a great distance from the residence of the petitioner, and will, for the want of proper attention and repairs before the said infant arrives at lawful age, be greatly injured in buildings and fences and diminished in value, and that the interest of the said infant would be promoted by a sale of the said farm : Therefore,

1. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That John Taylor, of the city and county of Albany, merchant, and John Meadon, of the town of Colonie, in said county, rope-maker, he and they hereby are appointed trustees, with full power to grant, bargain and sell, for the best price they can obtain, all the right and title whereof the said

Trustees appointed.

**Their pow-
ers.** John Vickers died seized, of, in and to the said farm, and to make, seal, execute and deliver good and sufficient deeds and conveyances in the law to the purchasers thereof, and to loan out the monies arising from such sale, on good security, at lawful interest, in trust for the said infant son and heir of the said John Vickers: *Provided*, The chancellor shall have been satisfied that the said John Vickers died intestate, and that the interest of his said infant son will be promoted by a sale of the said premises, and shall have made an order directing the sale thereof; *And provided also*, That the said Ann Vickers shall join in such conveyances, so as to release all her right and claim of dower to, or out of the premises.

**Widow's
dower, how
to be deter-
mined.** II. *And be it further enacted*, That it shall be lawful for the chancellor of this state, upon the application of the said Ann Vickers, or of the said trustees, to settle and determine what sum of money the said Ann Vickers ought to receive as a reasonable allowance for her dower in the said farm, and whether such sum shall be paid in gross or annually out of the interest of the monies arising from such sale of the said farm, and to direct the said trustees to make such payment accordingly.

**Trustees to
give bond.** III. *And be it further enacted*, That the said trustees, before they enter upon the execution of the trust hereby created, shall execute a bond, with two sufficient sureties, in such sum as the chancellor of this state shall direct, conditioned for the faithful discharge of the said trust; and that the said trustees account to the said infant, his heirs, executors or administrators, or to any person or persons legally authorized to require the same, for the monies arising from the sale of the said farm and the interest thereof; and that the said trustees make no appropriation of any of the said monies, but upon the order and by the direction of the said chancellor, which bond shall be filed in the office of the register of the court of chancery of this state: *Provided*, That the said trustees shall be allowed all proper and necessary charges and disbursements in the execution of the said trust.

**Vacancies,
how to be fill-
ed.** IV. *And be it further enacted*, That in case the said trustees, or either of them, should die before the said trust shall be fully executed, then it shall be lawful for the said chancellor to fill such vacancy or vacancies; and the trustee or trustees, so appointed, shall, in all respects, conform to the directions of this act.

CHAP. LXI.

An ACT to incorporate the village of Plattsburgh.

Passed March 3, 1815.

**Bounds of the
village.**

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the district of country contained within the following bounds, that is to say; beginning at the lake shore in Cumberland bay, opposite the south line of the highway which runs west by the house of Samuel Lowel, thence running westwardly, on the south line of the said highway, to the north-east conner of the school lot; thence southerly in the east

line of the school lot, to the south-east corner thereof; thence south to the river Saranac; thence due east to the lake; thence northerly along the lake shore to the place of beginning, shall hereafter be known and distinguished by the name of the village of Plattsburgh; and the freeholders and inhabitants who are qualified to vote at the town meetings, who may from time to time reside within the aforesaid limits, may on the first Tuesday of May next, meet at some proper place, to be appointed by any justice of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday in May, and then and there proceed to elect seven freeholders, residents within the said village, to be trustees thereof, who when chosen shall possess the several powers and rights hereinafter specified; and such justice shall preside at such meeting, and shall declare the several persons having the greatest number of votes, as duly chosen trustees; and on every first Tuesday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said village; and the trustees for the time being shall perform the several duties required from the said justice in respect of notifying the freeholders and inhabitants of the village, and presiding at such elections.

Trustees, how
to be elected.

II. *And be it further enacted*, That all the freeholders and inhabitants residing, or who may hereafter reside within the aforesaid limits, be and they are hereby ordained, constituted and declared to be for ever hereafter, one body politic and corporate, in fact and in name, by the name and style of "The trustees of the village of Plattsburgh;" and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended in all courts and places whatsoever; in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said village.

Corporate
style & power
of the trustees

III. *And be it further enacted*, That it shall be lawful for the said corporation to raise money by tax for erecting public buildings, or making any necessary repairs or improvement in the said village, which monies so to be raised, shall be by vote assessed upon the freeholders and inhabitants of the said village, by not less than three nor more than five assessors, who shall be freeholders in the said village, to be chosen by the freeholders of the said village, qualified to vote at town meetings, at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected, for erecting such public buildings, or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public buildings erected or disposed of, without the consent of the freeholders and the legal voters of the said village, or the major part thereof, in open meeting, duly notified therein.

Tax:

Proviso:

IV. *And be it further enacted*, That it shall and may be law-

Trustees may
make by-law

ful for the trustees of the said village, or the major part of them by this act to be chosen, and for their successors in office, forever, from and after the first Tuesday in May next, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations, as they from time to time shall deem meet and proper, concerning the public markets in said village, relative to the streets, alleys and highways of said village, and to cartmen, and relative to the restraining and suppressing of shops and houses of bad fame in the said village, and draining, filling up, paving and keeping in order and improving the streets and highways, regulating slaughter-houses and nuisances generally, relative to town watch and lighting the streets of the said village, to determine the number of taverns or inns to be licensed in the said village, relative to the restraining of geese or swine and of any kind of cattle, relative to the better improving their common lands, the inspection of weights and measures, the assize of bread, erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public health, welfare or good government of the said village, and to enforce the same by fines and penalties; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provisions, (except the article of bread) that may be offered for sale: *Provided always*, That such bye-laws be not contrary to, or inconsistent with the laws or statutes of this state, or of the United States.

Proviso.

V. *And be it further enacted*, That any monies to be raised for paving any street or streets, shall be assessed, levied and collected in a just and equitable manner, of and from the owners or occupants of all the houses and lots adjoining such street or streets so to be repaired, in proportion as near as may be to the advantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

Penalties not to exceed five dollars.

VI. *And be it further enacted*, That the penalties to be levied and collected, for the breach of any bye-law, shall not exceed twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, with costs of suit, by the trustees, to and for the use of said corporation.

Other officers to be chosen.

VII. *And be it further enacted*, That the freeholders and inhabitants of the said village of Plattsburgh, qualified to vote at town meetings, at their annual meetings on the first Tuesday in May in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall, and they are hereby authorised and empowered to choose not less than three nor more than five inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, one collector, and as many fire-wardens as the trustees for the time being, or a major part of them, may order and direct, and that at every such election the person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen; and in case a vacancy should happen, by the death, removal out of the said village, refusal or incapacity to serve, of any of the assessors, the treasurer, collector, or fire-wardens, it shall be the duty of the trustees, or the major part of them, within ten days thereafter, to appoint some suitable person to fill such va-

Firemen.

Vacancies, how filled.

cancy; and the person so to be appointed shall be vested with the like powers and subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of the said village as above mentioned.

VIII. *And be it further enacted*, That the said trustees, treasurer, collector, assessors and fire-wardens shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

They shall take an oath.

IX. *And be it further enacted*, That the treasurer and collector hereafter to be elected, shall, before they enter upon the execution of their offices respectively, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Treasurer and collector to give security.

X. *And be it further enacted*, That if any of the inhabitants of the said village qualified as aforesaid, shall hereafter be elected or appointed a trustee, or to the office of assessor or fire-warden, and having notice of said election, shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office to which he or they shall be elected, then and as often as it shall so happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay, or neglect, shall not exceed the sum of twenty dollars, all which said fines shall and may be recovered by action of debt, before any justice of the peace of the county of Clinton, or court having cognizance of the same, to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation; that in all cases where the trustees of the village of Plattsburgh are authorised, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures, by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare generally, that the defendant or defendants, is or are indebted to the trustees of the village of Plattsburgh, in the amount of such debt, penalty, fine or forfeiture, by virtue of this act, to be paid to the said trustees, for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Penalty for refusing to serve when elected to office.

XI. *And be it further enacted*, That it shall be lawful for the said trustees to ordain and appoint such and so many officers and servants, with such powers and duties as the by-laws of the said corporation made by virtue of this act shall demand or require.

Trustees to fix the number of officers, &c.

XII. *And be it further enacted*, That the trustees to be elected by virtue of this act shall continue in office, and be authorised and empowered to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Tuesday in May next following after their election as trustees as aforesaid, and until other trustees are chosen, and shall have taken and subscribed the oath or affirmation of the office of trustee.

First Trustees to serve for one year.

Trustees may
be chosen at
a special
meeting.

XIII. *And be it further enacted*, That if it shall at any time happen that trustees shall not be elected, or the annual meeting not be holden on the first Tuesday in May, as is herein before provided, that the said corporation shall not be thereby dissolved, but it shall and may be lawful for the said trustees, or a major part of them, at any time before the next annual meeting thereafter, to appoint a special meeting of the inhabitants of the said village for the purpose of electing such officers as ought to have been elected at the said annual meeting, or of doing any other business which might have then been done, giving the like notice as is required for such annual meeting.

This is a pub-
lic act.

XIV. *And be it further enacted*, That this act shall be, and is hereby declared to be a public act.

CHAP. LXII.

An ACT for the relief of Susannah Thomas.

Passed March 10, 1815.

WHEREAS it is represented to this legislature, that Samuel Helm, late of the town of Buffalo, was a ferry-man, and died intestate, and without any legal representatives in this country; and that previous to his being killed, he declared it to be his wish that Susannah Thomas should inherit his property: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, of, in and to five acres of land in the village of Buffalo, being village lot number one hundred and forty-four, be and the same is hereby vested in Susannah Thomas, her heirs and assigns.

CHAP. LXIII.

An ACT to incorporate the Widows' Fund Society, of the reformed protestant Dutch church.

Passed March 10, 1815.

WHEREAS John H. Livingston, and certain other persons, have formed themselves into a society for the relief of the widows and children of deceased clergymen of the reformed protestant Dutch church in the United States, by the name and style of "The Widows Fund Society," and have, by their petition to the legislature, prayed to be incorporated, in order the better to promote the benevolent purposes of the said society; Therefore,

Society incor-
porated.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That such persons as now are or hereafter may become members of the aforesaid society, shall be and are hereby ordained, constituted and appointed a body corporate and politic, in fact and in name, by the name of "the Widows Fund Society;" and that by that name they and their successors shall and may forever hereafter have continual succession, and shall

be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of "The Widows Fund Society," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said society: *Provided always*, That such real and personal estate shall not at any time exceed the annual value of twenty-five thousand dollars.

II. *And be it further enacted*, That for the better carrying into execution the objects of the said society, there shall be a president, vice-president, treasurer, secretary, and nine trustees, who shall hold their offices for one year, or until others shall be chosen in their room, and shall be elected at the time of the stated annual meeting of the general Synod of the aforesaid church, on the first Tuesday of June in every year, or at such other time and at such place as the corporation shall from time to time appoint; and that every such election shall be by ballot, by a majority of the members present at every such meeting; and that in case any vacancies shall happen in either of the said offices, by death, resignation, or otherwise, such vacancies shall and may be filled up for the remainder of the year by the remaining trustees by a by-law of the corporation. Officers.
How appointed.

III. *And be it further enacted*, That John H. Livingston shall be the first president, and John M. Bradford the first vice-president of the said society; and Cornelius C. Cuyler, Andrew N. Kittle, Jacob Broadhead, Gilbert R. Livingston, Stephen N. Rowan, William Murray, Jesse Fonda, Alexander Gunn, and Selah S. Woodhull, the first trustees; Simeon De Witt the first treasurer, and Selah S. Woodhull the first secretary of the said society, who shall hold their offices respectively until the first Tuesday of June next, and until others shall be chosen in their room. First Officers.

IV. *And be it further enacted*, That at every ordinary or extraordinary meeting of the society, when seven members are met, they shall have power to adjourn from time to time, and when ten are met, they shall have full power to do and transact all the business thereof. 10 members a quorum.

V. *And be it further enacted*, That the said corporation, and their successors, shall have full power to make, constitute, ordain and establish such by-laws, rules, ordinances and regulations as they shall from time to time judge proper, for the election of their officers, for the admission of new members of the said corporation, and the terms and manner of admission, and the sums which shall be paid yearly, or otherwise, by the members of the society: *Provided always*, That such sums shall not exceed the sum of thirty dollars yearly and every year; and also for the management and disposition of the stock, property, estate and effects of the said society, for the purpose of carrying into effect the objects thereof; and for fixing the times and places of the meetings of the said society, and touching the duties and conduct of the officers thereof, and all such other matters as appertain to the business, end and purposes for which the said corporation is by this act constituted, and for no By-laws may be made.

Proviso. other purposes whatsoever: *Provided always*, That such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

This is a public act. VI. *And be it further enacted*, That this act shall be deemed and considered a public act, and that the same be construed in all courts and places favorably, for every purpose thereby intended.

CHAP. LXIV.

An ACT to appoint Peter Van Brugh Livingston and Peter Kean trustees of the estate of Peter Van Brugh Livingston, deceased, in the place of Charles Ludlow, deceased, and William Edgar.

Passed March 10, 1815.

WHEREAS Cornelia Livingston and William Edgar, who, together with Charles Ludlow, since deceased, were by an act passed on the sixth of April, one thousand eight hundred and fourteen, appointed trustees to carry into effect the will of Peter Van Brugh Livingston, deceased, have, by their petition, for good and sufficient reasons in the said petition set forth, prayed that Peter Van Brugh Livingston and Peter Kean, two of the grand children of the said Peter Van Brugh Livingston, deceased, might be associated with the said Cornelia Livingston, in the place of the said Charles Ludlow, deceased, and William Edgar, for the purposes mentioned in the said act; and it appearing that all the persons upon whose petition the said act was passed have signed the one now presented for the appointment of the said Peter Van Brugh Livingston and Peter Kean trustees as aforesaid: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Peter Van Brugh Livingston and Peter Kean be, and they are hereby appointed trustees in the place of the said Charles Ludlow, deceased, and William Edgar; and that they, together with the said Cornelia Livingston, and the major part of them, and survivors and survival of them, be and they are hereby authorised and empowered to execute the said law, entitled "An act to carry into effect the will of Peter Van Brugh Livingston, deceased."

CHAP. LXV.

An ACT to alter the name of the town of Honeoye, in the county of Ontario.

Passed March 10, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passage of this act, the town of Honeoye, in the county of Ontario, shall be known and called by the name of Richmond.

CHAP. LXVI.

An ACT for altering the time of holding the December term of the court of Common Pleas in the county of Westchester.

Passed March 10, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the December term of the court of common pleas for the county of Westchester shall in future commence and be held upon the first instead of the third Monday in December in every year.

CHAP. LXVII.

An ACT to authorise the building of a Bridge across Yonkers Creek, in Westchester county.

Passed March 10, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Robert Macomb, of the city of New-York, Esquire, his heirs and assigns, to make, build and construct a good and sufficient bridge across the creek commonly called Yonkers creek, which empties itself into the Spuytendeuvel creek westerly of the mill of the said Robert Macomb, situated at Kingsbridge, in Westchester county, which bridge shall be built across said creek at the place where the old bridge formerly stood, and shall be of a width not less than fourteen feet, and may be so constructed as to dam the said Yonkers creek; the said bridge and dam to be so constructed, and at all times upheld and maintained, as not to cause the waters of the said creek, or which may come up the same by the flow of the tides, to remain on, or to overflow, or drown the salt meadows, or other lands of any person or persons, other than the said Robert Macomb, his heirs or assigns, for any greater length of time, or to any greater extent than the said waters have heretofore remained on, or overflowed, or drowned such lands.

*R. Macomb
authorised to
build a bridge*

II. And be it further enacted, That the said Robert Macomb, his heirs and assigns, shall make, construct, and keep in repair and good order at such dam and bridge, a sufficient lock, of a width not less than six feet, and of a length not less than twenty-four feet, or a gate, or other contrivance, whereby skiffs or boats may at all times pass such bridge and dam; and that the said bridge and dam and lock, gate, or other contrivance, shall be built, erected, maintained and kept in repair, at the sole expence of the said Robert Macomb, his heirs and assigns; and all persons, with their teams, carriages, cattle and boats, shall at all times be permitted to use and pass the same free of every species of toll, demand, charge and exaction whatsoever.

*And to keep
the same in
repair.*

III. And be it further enacted, That if the said Robert Macomb, his heirs or assigns, shall not erect or complete such bridge and dam, with such lock, gate or contrivance as aforesaid, within the space of two years, or shall not keep the same in such repair, or

Unless erected in 2 years, this act to be void.

der and condition that the same may be safely passed, then the privileges hereby given shall utterly cease; and also that if the said bridge and dam shall cause the waters of the said creek to remain on, or to overflow or drown any lands, contrary to the true intent and meaning of this act, then and in such case the said bridge and dam shall be held and considered a nuisance, and may be proceeded against in all courts and places accordingly.

The waters of
Yonkers
creek may be
used for mil-
ling, &c.

IV. *And be it further enacted*, That the said Robert Macomb, his heirs and assigns forever, (unless the said bridge and dam shall as aforesaid be considered and declared a nuisance) have, hold and enjoy the sole right and privilege of using and employing, for milling and other purposes, the tide waters of the said Yonkers creek, either by using and employing the same at or near the said bridge and dam, or by communicating the said waters of said Yonkers creek, or those of the Spuytendeuvel or the Hærlem creek, through the lands of the said Robert Macomb, his heirs and assigns.

CHAP. LXVIII.

An ACT in addition to the act relating to the city of Schenectady.

Passed March 10, 1815.

Board of
magistrates
to be selected.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Schenectady, to select from the aldermen and justices of the peace, or from either of them, in said city, such and so many persons as they shall think proper, to be styled "The Board of Magistrates," for the relief and support of the poor, and for punishing petty offences committed in the said city of Schenectady, who shall exclusively possess the power and authority of applying and distributing the funds for the support of the poor in the said city, in such manner as the said mayor, aldermen and commonalty shall direct; and the said mayor, aldermen and commonalty shall yearly determine the sum necessary to be raised by tax for the maintenance of the poor of the said city for the year next ensuing; and the supervisors of the city and county being served with a copy of the resolution of the said mayor, aldermen and commonalty, directing such sum, shall cause the same to be raised, assessed and collected, according to law, and such money, when collected, shall be paid to the treasurer of the said city, and shall be drawn, expended and applied under the direction of the mayor, aldermen and commonalty of said city.

An alms-
house may be
established.

II. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty to pass ordinances for establishing and regulating an alms-house within said city, and to appoint such officers thereof as they may deem necessary, for the good government of the said alms-house, who shall hold their offices during the pleasure of the said mayor, aldermen and commonalty; and that the monies directed by law to be applied to the support of the poor within said city, or any part thereof, may be directed by the mayor and aldermen, to be applied to the support of the said alms-house, and the poor within the same, in such manner as the said mayor, aldermen and commonalty shall deem proper.

III. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty to establish a house of correction for petty offences committed within the said city, and to appoint a keeper thereof, and so many assistants as may be necessary, who shall hold their offices during the pleasure of the said mayor, aldermen and commonalty; and the said mayor, aldermen and commonalty shall also prescribe the duties of the said keeper and assistants, and the compensation to which they shall respectively be entitled for their services from the said mayor, aldermen and commonalty, and shall also have power to pass all such ordinances for regulating the said house of correction as may be necessary.

And a house of correction.

IV. *And be it further enacted*, That it shall be lawful for the aforesaid board of magistrates so appointed, or a majority of them, to take cognizance of all such petty offences as may be committed within the precincts of the said city of Schenectady, and also to take and arrest, or cause to be taken or arrested, all rogues, vagabonds, stragglers, idle and suspicious persons; and on being convicted thereof before them, of any crime or misdemeanor, to order them, or any of them, to be confined at hard labor in any such house of correction, for a time not exceeding ninety days, as may be seen fit in their discretion.

Rogues, vagabonds and stragglers to be arrested.

V. *And be it further enacted*, That it shall be lawful for the court of oyer and terminer and general sessions of the peace, in and for the city and county of Schenectady, and for any court of special sessions of the peace held in the said city, to adjudge and sentence any offender convicted before either of said courts of any petit larceny, assault and battery, or misdemeanor, committed within the said city, to said house of correction, instead of the gaol of the said city and county, there to be imprisoned and kept, at hard labor, during the term of his or her imprisonment.

Offenders may be sent to the house of correction instead of the jail.

VI. *And be it further enacted*, That the aforesaid mayor, aldermen and commonalty be empowered to appoint two or more constables, whose duty it shall be to execute the orders of the aforesaid board of magistrates, or either of them, when required, and who shall receive, exclusive of their usual fees, such sum as the said mayor, aldermen and commonalty shall allow and determine to be sufficient, out of the treasury of the said city.

Two or more constables to be appointed.

VII. *And be it further enacted*, That the said mayor, aldermen and assistants of said city, or a majority of them, be empowered to impose such reasonable fine or fines on the officers or members of the aforesaid board, for non-attendance of the meetings of the same, after due notice given, and without reasonable cause of absence, as to them shall seem fit: *Provided always*, That the said fine or fines shall never exceed three dollars for any one default, and shall be levied, collected and recovered for the use of the said mayor, aldermen and commonalty, in the manner prescribed by the seventeenth section of the act, entitled "An act relating to the city of Schenectady."

Officers to be fined for non-attendance.

Provide.

VIII. *And be it further enacted*, That it shall be the duty of every magistrate, constable, or other citizen of Schenectady, to stop any person riding or driving immoderately through any of the streets of the said city; and every person guilty thereof, on due conviction, before either of the aforesaid board of magistrates, of such

Penalty for riding or driving immoderately in the streets.

offence, shall be fined to the amount not exceeding five dollars, as the aforesaid magistrates may deem fit, which fine shall be levied, collected, and appropriated according to the aforesaid seventeenth section of the act, entitled "An act relating to the city of Schenectady."

Dogs may be restrained.

IX. *And be it further enacted*, That the mayor, aldermen and commonalty of the aforesaid city, be empowered to regulate or prevent the running at large of dogs in the said city, and also to impose a reasonable tax upon the owners or possessors of such dogs, at their discretion.

Mayor & aldermen to be justices of the peace.

Proviso.

X. *And be it further enacted*, That the mayor and aldermen of said city for the time being shall have and enjoy the powers and authorities of peace officers within the said city and county, in as full and ample a manner as any justice of the peace in any county of this state: *Provided always*, That they shall at no time, as such mayor and aldermen, have the right to hear and determine any civil causes.

CHAP. LXIX.

An ACT to incorporate an Association for the Relief of respectable, aged, indigent females in the city of New-York.

Passed March 10, 1815.

Preamble.

WHEREAS by a petition presented to the legislature, from certain ladies of the city of New-York, constituting at present a board of an association for the relief of respectable, aged, indigent females in said city, in behalf of themselves and their associates, it is represented, that in the forepart of the year eighteen hundred and fourteen, the said association was formed, that they have been successful in their humane and laudable undertaking, and have prayed to be incorporated: Therefore,

Association incorporated.

Their style & powers.

Proviso.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons of the female sex, as now are or hereafter shall become annual subscribers to the amount of not less than two dollars per annum, to the said association, shall be, and are hereby constituted a body corporate and politic, in fact and in name, by the name of "An association for the relief of respectable, aged, indigent females in the city of New-York," and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal, and change the same at their pleasure, and shall by that name and style be capable in law of purchasing, holding and conveying any estate real or personal, for the use of the said corporation: *Provided*, That such estate shall never exceed in value one hundred thousand dollars, nor be applied to any other purposes than those for which this incorporation is founded.

Affairs, how to be managed.

II. *And be it further enacted*, That the estate and concerns of the said corporation shall be managed, directed and disposed of

by a board of trustees, to be composed of a first and second directress, treasurer, secretary, and twelve managers, all of whom shall be chosen by a majority of members present, at the annual meetings, which shall be held on the last Thursday in November, at such place in said city, and at such time of the day as the board of trustees may from time to time, by ordinance or otherwise, appoint, and of which public notice shall given; and if any vacancy shall be occasioned, by the death, resignation, removal, or otherwise, of any one of the said board, the same shall be filled for the remainder of the year, by such person or persons, being annual subscribers as aforesaid, as the board of trustees for the time being, or the major part of them, shall appoint, and until the last Thursday in November, in the year one thousand eight hundred and fifteen: the board of trustees shall be as follows, to wit, Rachel Dunlap, first directress; Rachel Maynard, second directress; Mary Bingham, treasurer; Anne Church, secretary; and Sarah Gunn, Gloriannah Cunningham, Harriet Baldwin, Mary De Forrest, Anna Havens, Ermina Malcoem, Delia Henry, Ann S. Glass, Margaret E. Dominick, Rebecca Leggett, Agnes Van Waganen, Abigail Kibbe, managers; and that a majority of the said board shall be requisite to transact business; and in case of the non-attendance of the said first or second directress, the members present may appoint a directress pro tempore.

First trustees

III. *And be it further enacted*, That if the annual election shall not be made on the stated day, the said corporation shall not thereby be dissolved, but the members of the said board shall continue in office until a new election, which shall be made at such time and place, and after such notice as the said board shall prescribe; and in case an equality of votes shall be given for any one or more persons, as a member of the said board of trustees, the said board shall determine which of such persons shall be considered as elected, and which determination shall make it lawful for such person to take her seat, and act accordingly.

Election may be held on any day.

IV. *And be it further enacted*, That the said board shall, at least at every yearly election, exhibit to the members of the said corporation, an exact account of the receipts and disbursements of the preceding year.

Accounts to be rendered.

V. *And be it further enacted*, That the said board may, from time to time, make by-laws, ordinances and resolutions relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law, and may appoint such other officers, agents and servants as they deem necessary to transact the business of the said corporation, and designate their duties.

By-laws may be made.

VI. *And be it further enacted*, That the husband of any married woman, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, upon any subscription or arrangement of his wife; but if he shall have received any money from his wife belonging to the said corporation, or the same shall have been applied to his use, he shall be accountable therefor; or if the husband's goods shall be attached, or if he shall have become insolvent, such money, if received after the passing

The husbands of married women not to be accountable for losses.

of this act, shall be paid by the trustees or assignees, in preference to all other debts.

- Duration of this act.** VII. *And be it further enacted*, That this act shall continue and be in force until the last Thursday in November, in the year one thousand eight hundred and thirty: *Provided always*, That if the said corporation shall apply their, or any part of their funds, to any other purposes than those contemplated by this act, and shall be thereof convicted in due course of law, that then the said corporation shall cease and determine, and the estate real and personal thereof shall be forfeited to and vested in the people of this state:
- Previous.** *And provided further*, That nothing in this act contained shall be construed to prevent the legislature at any time, in their discretion, within the period aforesaid, from altering or repealing this act.
- Further proviso.** VIII. *And be it further enacted*, That this act be, and is hereby declared a public act, and that the same be construed in all courts and places, benignly and favorably for every humane, charitable, and laudable purpose therein contained.
- This is a public act.**

CHAP. LXX.

An ACT relative to the Eastern Branch of the Schoharie Turnpike Road.

Passed March 10, 1815.

Preamble. WHEREAS it has been represented to this legislature by the president, directors and company of the eastern branch of the Schoharie turnpike road, by their petition, under their corporate seal, that several alterations and amendments are necessary to their act of incorporation: Therefore,

Privileges of the company extended. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all the privileges and liabilities contained in the act relative to the eastern branch of the Schoharie turnpike road, passed April twelfth, one thousand eight hundred and thirteen, for altering the route of said road from the east end thereof to the village of Freehold, and for other purposes, shall be and they are hereby extended to the remainder of their said road, with the further privilege of altering the route where the several creeks have made ravages upon it, or shall hereafter be likely to injure the same, and also for accommodating a certain bridge lately built near the house of Richard Benjamin, in the town of Durham: *Provided nevertheless*, That instead of a tax on the stockholders of said company for defraying the expences thereof, the said president and directors for the time being shall have power to lay out, from time to time, all the surplus income of their said road, over what shall be necessary to keep the same in repair, until the said alterations are completed, any thing in any of their former grants respecting the obligations of the directors to declare and pay over dividends to the several stockholders to the contrary in any wise notwithstanding.

Commissioners' duty. II. *And be it further enacted*, That the commissioners now appointed, or hereafter to be appointed, for the inspection of turnpike

roads when out of repair, shall not, during the term of five years after the passing of this act, order any of the gates on the aforesaid roads to be opened on account of the width of the bed thereof, provided the same, together with the bridges, are in good order and repair, and of a sufficient width for single waggons or carriages to pass with convenience and safety.

III. *And be it further enacted*, That no person shall hereafter be entitled to an exemption from the payment of toll at any of the gates on the aforesaid road when carrying fire wood from his wood lot or out lands, unless the same is adjoining a farm to which he commonly resorts for the general purposes of agriculture, nor then any farther than for his own family consumption, any thing in any former grant to the contrary in any wise notwithstanding. Exemption
from toll re-
gulated.

IV. *And be it further enacted*, That if any person or persons shall hereafter forcibly pass any of the toll gates on the aforesaid road, or shall, after travelling the same, go round any of the said gates and enter again on the said road, for the purpose of avoiding the payment of the legal toll, such person or persons shall, for each and every of those offences, forfeit and pay the sum of twenty-five dollars, to and for the use of said company, to be sued for and recovered in the name of their treasurer for the time being, before any justice of the peace or court having cognizance thereof, by action of debt, with costs of suit, any thing in any former grants to the contrary notwithstanding. Penalty for
going round
the gate.

CHAP. LXXI.

An ACT for the relief of the President, Directors and Company of the Cossackie Turnpike Road.

Passed March 10, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That so much of the route of the Cossackie turnpike road as has been laid out, worked, and lies between the Schoharie and Susquehannah turnpike roads, and also so much of the diverging roads as lie west of the place where one of the said diverging roads intersects the road leading from the house of Leonard Bronk westerly, be dismembered from the said road, so that the president, directors and company of the said road be discharged from the same, and all care, management and responsibility relating thereto, and that the same be established as public highways.

II. *And be it further enacted*, That it shall be lawful for the said president, directors and company to alter the site of the third or western gate of the said road, by removing the same easterly on the said road at any distance not exceeding two miles, with the privileges attached to the same.

An ACT to divide the town of Rensselaerville and Coeymans, in the county of Albany.

Passed March 16, 1815.

Town of
Westerlo e-
rected.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all those parts of the towns of Rensselaerville and Coeymans, in the county of Albany, beginning on the south line of the town of Bethlehem, in the county of Albany, at the north-east corner of the land in the possession of Stephen Lee, in the town of Coeymans, and runs thence along the south line of the town of Bethlehem westerly to the south-west corner of the said town of Bethlehem, in the east line of the town of Rensselaerville; thence along the said east line of the town of Rensselaerville to the south-east corner of the town of Bern; thence along the south line of the town of Bern south eighty-five degrees west to a point where a northerly continuation of the west line of the farm of John Sholtz, in the town of Rensselaerville, intersects the said south line of the town of Bern; thence south five degrees east along the said west line of the farm of John Sholtz, and continues on said lot line till it intersects the north line of the county of Greene; thence along the north line of the county of Greene to the south-east corner of the town of Rensselaerville; thence along the west line of the town of Greenville to the south-west corner of the town of Coeymans; thence along the south line of the town of Coeymans easterly till coming to a point directly south from the place of beginning; thence north across the town of Coeymans to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Westerlo; and the first town meeting in said town of Westerlo shall be holden at the dwelling house of William Beardsly, now in said town of Westerlo, and that all the remaining parts of the towns of Rensselaerville and Coeymans, shall be and remain separate towns by the names of Rensselaerville and Coeymans; and the next town meetings in the said towns of Rensselaerville and Coeymans shall be held at the places to which they now stand adjourned.

Poor money,
&c. to be di-
vided.

II. *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid shall, by notice given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said towns of Rensselaerville and Coeymans, and the poor money, belonging to the same, agreeably to the last tax list; and that each of the said towns shall forever thereafter respectively support their own poor.

CHAP. LXXIII.

An ACT relative to the duties of the Supervisors of the county of Cortland.

Passed March 17, 1815.

WHEREAS the supervisors of the county of Cortland have not, on the first Tuesday of October, in the year of our Lord one thousand eight hundred and thirteen, apportioned the valuation, agreeable to an act for the assessment and collection of taxes, passed April 5th, 1813 : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said supervisors to meet at the court-house in the said county, on the first Tuesday in October next, to apportion the valuation in said county agreeable to the provision of said act, which valuation so to be made, shall have the same force and effect as though the same had been done on the first Tuesday of October, in the year of our Lord one thousand eight hundred and thirteen.

CHAP. LXXIV.

An ACT authorising the Comptroller to loan Money to Jephth A. Wilkinson.

Passed March 17, 1815.

WHEREAS the said Jephth A. Wilkinson is the inventor and manufacturer of steel reeds, and is unable, for want of funds, to extend their usefulness to community : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to loan to the said Jephth A. Wilkinson, a sum of money not exceeding fifteen hundred dollars, out of any unappropriated monies belonging to the common school fund, and that the comptroller be authorised to draw his warrant on the treasurer for the same : *Provided,* That the said Jephth A. Wilkinson shall produce security on real property, to the satisfaction of the comptroller, in double the sum loaned, for the payment of the same, with interest annually, at the rate of seven per cent per annum, within five years from the date thereof.

CHAP. LXXV.

An ACT relative to the Courts of Common Pleas of the county of Richmond, and for other purposes.

Passed March 17, 1815.

WHEREAS Joseph Perine, Esquire, late clerk of the court of ^{Preamble.} common pleas for the county of Richmond, died on the 16th day of April last past, without having appointed a deputy, as the law requires, in consequence whereof no court of common pleas hath since

been held in and for said county, although two of the terms of the said court have since intervened, whereby the suits at law which had been commenced and were depending in said court previous to the decease of said clerk have become liable to be discontinued, and no writs or process of the said court can regularly be issued until after the next April term thereof: For remedy whereof,

Suits to be continued.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all suits at law which had been commenced, and were depending in the court of common pleas of the county of Richmond, at the last April term thereof, shall be continued to the next April term of said court, in the same manner as if the said court of common pleas had been regularly held at the last September and December terms of the said court, and had continued the said causes to the said April term next.

Clerk to issue writs.

II. *And be it further enacted,* That the clerk of the said court shall be, and he is hereby authorised and required to issue all such writs and process as shall be lawfully required of him previous to the next April term of said court, which writs and process shall and may be tested at the court-house in the town of Southfield, in and for the county of Richmond, on the second Tuesday of December, A. D. 1814, and shall have the like force and validity, as if the said court had been then and there held.

A road to be laid out.

III. *And be it further enacted,* That it shall be lawful for the commissioners of the health office to lay out a road across the quarantine ground, on the south line thereof, so as to open a communication from the shore of the bay, to the public road passing in the rear of the said quarantine ground.

CHAP. LXXVI.

An ACT for the preservation of the Fishery in certain waters in the county of Oneida.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the act passed March 25, 1814, entitled "An act to amend an act, entitled "an act for the preservation of fishery in certain waters therein mentioned," passed April 5, 1813, be, and the same is hereby repealed, so far forth as it relates to the waters in the county of Oneida.

Parts of former laws repealed.

Persons prohibited from catching salmon in part of Grindstone creek.

II. *And be it further enacted,* That it shall not be lawful for any person to draw any seine, set any net, make any weir, or use any spear or other contrivance whatever, for the purpose of taking salmon in Grindstone creek, in the town of Richland and county of Oneida, at any place below a certain mill-dam now erected on said creek, about one and a half miles from the mouth thereof; and every person offending therein, shall for every such offence forfeit twenty dollars; and for each and every fish which he shall or may take, such person shall forfeit the additional sum of five dollars, to be recovered with costs of suit, in any court having cognizance thereof, the one half of which forfeitures when recovered, shall be

paid to the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be had, to be applied to the repairing the roads in said town.

CHAP. LXXVII.

An ACT for regulating the Sheriff's Fees of the counties therein mentioned.

Passed March 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the mileage fees allowed by law to the sheriffs of the city and county of Schenectady, and the counties of Suffolk and Orange, for serving all writs and other process shall, from and after the passing of this act, be computed from the court-house in said several counties.

CHAP. LXXVIII.

An ACT to amend an act, entitled "an act authorising Alleyn Turner to build a Toll Bridge across Schoharie creek, and for other purposes.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited for building the bridge across the Schoharie creek, in the act hereby amended described, shall be extended to seven years, instead of four years in the said act mentioned, and that it shall be lawful to suspend the covering of one mile of road on the west side of said bridge with hard materials, for the term of seven years after the said bridge shall have been completed.*

Time extended for building the bridge.

II. *And be it further enacted, That in crossing the said bridge with carriages, horses or cattle, the same shall not be rode or driven at a faster rate than on a walk, on the penalty of one dollar, to be paid by the persons respectively, riding or driving the same, to be recovered with costs, before any justice of the peace of the county of Schoharie, in the name of the proprietor of the said bridge, or in the name of the toll-gatherer, for the use of the poor of the towns of Blenheim and Broome, equally.*

Penalty for crossing the same faster than a walk.

III. *And be it further enacted, That the time allowed for Samuel Pratt and Elijah Leich, assignees of Samuel Pratt, deceased, to re-build the bridge over the Buffalo creek, be and the same is hereby extended to the first day of December, one thousand eight hundred and sixteen, any thing in the act passed the fifteenth day of April, one thousand eight hundred and fourteen to the contrary notwithstanding.*

Time extended for building a bridge on Buffalo creek.

CHAP. LXXIX.

An ACT relative to the president, directors and company of the Newburgh and Cochection turnpike road company.

Passed March 17, 1815.

Certain gates
may be altered.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful, to and for the president, directors and company of the Newburgh and Cochection turnpike road company, at any time after the passing of this act, to remove the two gates and turnpikes now standing on the first ten miles of said road, and to erect and establish in lieu thereof, a full toll-gate and turnpike across said road, at or near the five mile stone on said road ; and from and after the removing said gates and turnpikes, it shall and may be lawful for them to ask, demand and receive, of and from all persons passing said gate and turnpike so erected, the full toll for the said ten miles of said road.

Gates on certain bridges
may be removed.

II. *And be it further enacted,* That it shall and may be lawful for the aforesaid president, directors and company, to remove the toll-gate from off the bridge at the village of Montgomery, and to ask, demand and receive, of and from all persons passing the first gate west thereof, the same rate of toll as for twelve and an half miles of said road, and also that it shall and may be lawful to and for the said president, directors and company, at any time after the passing of this act, to remove the toll-gate from and off the Neversink bridge ; and from and after the time of its being so removed, it shall and may be lawful to and for the aforesaid president, directors and company, to ask, demand and receive, of and from all persons passing the first gate east thereof, the rate of toll as for thirteen miles of said road.

Penalty for
breaking or
injuring
gates.

And for
avoiding pay-
ing toll.

III. *And be it also enacted, by the authority aforesaid.* That if any person or persons shall cut, break down, or injure any of the gates and turnpikes which shall be made in pursuance of this act, or former acts, or shall forcibly pass any of the gates and turnpikes on said road, without having paid the legal toll, such and every such person or persons shall, for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said company, to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons shall with his or their team or teams, carriages, horses, oxen or mules, or any other beasts, turn off from said road to pass any of the said gates and turnpikes, and again enter on said road, having passed said gates and turnpikes, or either of them, to avoid the payment of toll, such person or persons shall, for each and every such offence, forfeit and pay a fine of five dollars, to be received in manner aforesaid.

CHAP. LXXX.

An ACT relative to the United Insurance Company in the City of New-York, and for further extending the period limited by law for the expiration thereof.

Passed March 17, 1815.

WHEREAS the United insurance company in the city of New-York have presented to the legislature their petition, thereby representing that the period limited by law for the dissolution or expiration of the said corporation will expire on the first day of May next, and that they are desirous that the same should be further extended, and praying that the same may be extended to the first day of May, which will be in the year of our Lord one thousand eight hundred and forty, or for such other period of time as the legislature may see fit, and the prayer of the said petition appears to the legislature reasonable: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the period limited by law for the expiration or dissolution of the said corporation, being the first day of May one thousand eight hundred and fifteen, to which the same was extended by the last section of the act of the legislature of this state, entitled "An act to amend the act entitled "an act to incorporate the stockholders of the United insurance company in the city of New-York," as therein mentioned, shall be and hereby is further extended to the first day of May, which will be in the year of our Lord one thousand eight hundred and thirty-five, until which said last mentioned day the said act entitled "An act to incorporate the stockholders of the United insurance company in the city of New-York," as the same is amended and now in force, and the said act entitled "An act to amend the act entitled "an act to incorporate the stockholders of the United insurance company in the city of New-York," except so far as the same is amended or altered by this act, shall continue and remain and be in the like full force and virtue as the same now are.

CHAP. LXXXI.

An ACT for establishing the bounds of certain Towns in the counties of St. Lawrence, Jefferson and Niagara, and for other purposes.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the county of St. Lawrence lying eastwardly of the towns of Louisville and Stockholm, northerly of the continuation of the rear or south line of the said town of Stockholm until the same intersects the division line of great lots number one and two of Macomb's purchase, and westwardly and southerly of the east and north bounds of that part of the county of St. Lawrence as shall be contained within the lines above described, shall be and continue a town by the name of Massena.*

Bounds of
Massena es-
tablished.

Time extended for finishing certain canals.

II. *And be it further enacted*, That the periods limited for the completion of a canal and lock in the river St. Lawrence, by two certain acts of the people of this state, the one entitled "An act for opening and establishing a lock navigation on the river St. Lawrence," passed April 1, 1808, and the other entitled "An act to amend an act entitled "an act for opening and establishing a lock navigation on the river St. Lawrence, in the town of Madrid," be extended until the expiration of the year of our Lord one thousand eight hundred and sixteen, any thing in either of the aforesaid acts herein referred to to the contrary thereof notwithstanding.

Certain islands annexed to adjacent towns.

III. *And be it further enacted*, That the several islands within the limits and bounds of this state, situate in the river St. Lawrence, lake Ontario, the Niagara river and lake Erie, together with the waters thereto adjoining, shall be deemed and considered respectively as attached to and forming a part of the respective counties and towns in this state to which such islands, or the greater portion of any one island, shall be next adjacent.

CHAP. LXXXII.

An ACT relating to the Clerk's Office and Sheriff's Fees in the county of Jefferson.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the office of the clerk of the county of Jefferson shall hereafter be kept within one mile of the court-house in said county.

II. *And be it further enacted*, That the mileage fees allowed by law to the sheriff of said county of Jefferson, shall hereafter be computed from the court-house in said county, any former law to the contrary notwithstanding.

CHAP. LXXXIII.

An ACT granting an additional term, and altering the present terms of the courts of Common Pleas and General Sessions of the peace of Montgomery county.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That instead of the present terms of the said courts, the courts of common pleas from and after the next June term of said courts as now directed by law to be held, shall be held on the second Tuesdays of March, June and September, and the third Tuesday of December in every year, at the court-house in said county; and that the said courts of general sessions of the peace of said county, shall be held on the second Tuesday of June and third Tuesday of December, in every year, at the court-house aforesaid, and that the terms respectively of the said court

shall be called and known by the names of the respective months in which they are respectively directed to be held by this act.

II. *And be it further enacted*, That each of the said terms and courts so altered, added and continued by this act, may be held, continued and adjourned in the same manner as they might or could have done if the said terms had been so named and inserted in the act, entitled "An act concerning the courts of common pleas and general sessions of the peace in the several counties of this state," and that so much of the last mentioned act as is repugnant to this law shall, from and after the said June term be and the same is hereby repealed.

CHAP. LXXXIV.

An ACT authorising the Comptroller to loan to the General Government a sum of Money sufficient to pay off the Militia of this state who have been ordered into the service of the United States, and for other purposes.

Passed March 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller of this state be, and he is hereby authorised and required to loan to the government of the United States, a sum of money not exceeding three hundred and fifty thousand dollars, for the purpose of paying off the militia of this state who have been ordered into the service of the United States, and who may yet remain unpaid for their services: *Provided*, The said government of the United States shall stipulate to re-pay the sum to be loaned, within two years after the same loan, with an interest at and after the rate of six per centum per annum, to be paid annually, or issue certificates of stock to the people of this state, equal in amount to the sum which may be purchased of such stock in market, at the time of making said loan, with the money hereby authorised to be loaned.

Loan for paying off the militia.

Proviso.

II. *And be it further enacted*, That if there shall be an insufficiency of money in the treasury to make said loan, it shall be the duty of the comptroller to borrow the same from any bank or banks within this state, or from any company or companies, or from individuals, on the most advantageous terms within his power, and to draw his warrants on the treasurer for the payment of the same to the said government of the United States, as soon as the necessary arrangements to secure the repayment thereof shall be made as aforesaid.

Money may be borrowed to make the same.

III. *And be it further enacted*, That it shall be the duty of the person administering the government of this state, to use all proper endeavors without delay, to obtain from the said government of the United States, payment in money, or in any stock created or authorised by the United States for all such expenditures by this state, during the war just terminated, as may in his opinion be justly chargeable to the United States, and to report his proceedings under this act to the legislature at their next session.

The Gov. directed to obtain from the U. S. payment for certain expenditures.

And to adjust
accounts be-
tween this
state and the
U. States.

Proviso.

IV. *And be it further enacted*, That the person administering the government of this state be, and he is hereby authorised to adjust, with the proper officer or department of the United States, the account between them and this state, for arms, equipments and all other munitions belonging to said state, embezzled, worn out, captured or otherwise lost or destroyed during the late war, in the service of the United States, and of the munitions of the United States destroyed or lost by troops in the service of the said state, and that the comptroller draw his warrant on the treasurer for such expences as may be incurred in travelling and procuring evidence and vouchers for such losses, or otherwise in carrying this act into effect : *Provided however*, That nothing in this or the preceding section contained, shall in any manner prejudice any claims which the state may think proper to make upon the general government for expenditures made for the defence of this state, prior to the late war.

CHAP. LXXXV.

An ACT relative to altering and fixing the site of the Court-House and Gaol in the county of Madison.

Passed March 17, 1815.

A former act
repealed.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the act, entitled "An act to appoint commissioners to fix the site for the court-house and gaol in the county of Madison, and for other purposes," passed April second 1810, be and the same is hereby repealed.

Site of the
court-house
and gaol.

II. *And be it further enacted*, That the court-house and gaol in and for the county of Madison, shall be erected on the third great western turnpike road, within one half mile of the dwelling house of Thomas Morris, in the town of Eaton.

Money to be
raised for e-
recting the
same.

III. *And be it further enacted*, That the supervisors of the several towns in the county of Madison, or a majority of them, shall be and they are hereby authorised and required, at their second annual meeting, to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of two thousand dollars, and also at their third annual meeting the further sum of two thousand dollars, for the purpose of building a court-house and gaol in the place designated as aforesaid, with the additional sum of five cents on a dollar for collecting the same ; which said sum shall be raised, levied and collected, in the same manner as the other necessary and contingent charges of the said county are raised, levied and collected.

Commission-
ers to be ap-
pointed.

IV. *And be it further enacted*, That it shall be the duty of the supervisors of the said county, or a majority of them, at a special meeting to be called for that purpose, to appoint, and they are hereby directed and required to appoint commissioners, not exceeding three in number, to superintend the building of the court-house and gaol in said county, at the place so designated as aforesaid for that purpose ; and such commissioners shall be appointed from a-

mongst the most responsible inhabitants residing contiguous to the site aforesaid; and in case of the refusal or neglect of the said supervisors to appoint commissioners according to the directions of this act, then and in that case the said supervisors shall be subject to the same penalty as they are in and by the act, entitled "An act more effectually to compel the supervisors of the towns in the different counties in this state to raise such sums of money as they are directed to raise and levy by acts of the legislature," passed the twentieth day of March, in the year one thousand eight hundred and seven.

V. *And be it further enacted*, That it shall be lawful for the Their duty. said commissioners so as aforesaid to be appointed by the said supervisors, or a majority of them, to superintend the building of the court-house and gaol in said county, to build and construct the same upon such plan or plans as the said commissioners, or a majority of them, shall judge best; and the said commissioners, or a majority of them, may contract with workmen and purchase materials for erecting the said court-house and gaol, and if necessary, for the proceeding with the building of the said court-house and gaol, may expend monies in and about the same, which shall be repaid and settled out of the said sums so as aforesaid to be collected and levied for the building of the court-house and gaol, whenever the same shall be levied and collected; and they shall from time to time, draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into his hands by virtue of this act; and the said treasurer is hereby directed, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasurer, when thereunto required.

VI. *And be it further enacted*, That the buildings to be erected Use of the buildings. for such purposes at the place designated as aforesaid, shall be the court-house and gaol of the said county of Madison; and as soon as the said building shall, in the opinion of the sheriff of the said county, be finished in such manner as shall be sufficient for the purpose of confining his prisoners therein, either upon civil or criminal process, it shall be lawful for such sheriff to remove his prisoners to such gaol, and such removal shall not be deemed an escape; and it shall be lawful, and is hereby made the duty of the judges of the court of common pleas and general sessions of the peace of said county, as soon as the court-house shall be finished so as to accommodate the said courts, to adjourn to the said court-house, and thereafter to continue to hold the terms of the said courts at the said court-house; and no action or prosecution depending in said courts shall be abated, discontinued, or in any way prejudiced in law by such adjournment.

VII. *And be it further enacted*, That it shall be the duty of the Sheriff's fees, how calculated. sheriff of the county of Madison to calculate his mileage fees on all writs, from the place designated by this act for building the court-house and gaol for said county, and not otherwise.

Ground to be
purchased.

VIII. *And be it further enacted*, That the said commissioners as aforesaid to be appointed to superintend the building of the said court-house and gaol be, and they are hereby authorised to purchase so much land as shall be necessary to accommodate the said buildings at the place where the site therefor is established, not exceeding two acres, and to procure a good and sufficient conveyance thereof, in the name of the supervisors of the said county and their successors in office, in trust for the sole use and benefit of the inhabitants of the said county, which conveyance shall, after being duly proven and recorded in the office of the clerk of the said county, be deposited in the said clerk's office for safe keeping; and the said commissioners are hereby authorised to pay for the said land out of the monies directed to be raised by virtue of this act.

Old court-
house may be
sold.

IX. *And be it further enacted*, That it shall be the duty of the supervisors of the said county of Madison to sell the court-house now built at Cazenovia, together with the property thereunto belonging, and the same to be applied towards building a court-house and gaol agreeable to the provisions of this act.

CHAP. LXXXVI.

An ACT relative to the Sureties of Sheriffs, and the Powers and Duties of Deputies of Clerks of Counties.

Passed March 18, 1815.

I. *Be it enacted by the people of the state of New-York, re-*
Sureties of *presented in Senate and Assembly*, That at any time hereafter,
sheriffs.

when sureties are to be given by a person appointed or to be appointed sheriff of any county within this state, if it shall happen that there is no clerk of such county, or if the clerk shall be absent from the county, or be unable by reason of sickness, or from any other cause, to perform the duties of his office, it shall be lawful for any two of the judges of the court of common pleas for such county to whom application shall be made for such purpose, and of whom the first judge shall be one, when there is a first judge, unless such first judge shall be absent from the county, or is unable to attend to the duties of his office as aforesaid at the time of filing such bond, or previous thereto, to administer the oath to, and to judge and determine of the competency of the sureties offered by such sheriff, in the same manner and with the like effect as the same duties are now directed to be performed by the clerk in and by the second section of the act concerning sheriffs, and their duty in respect to process, arrests, and keeping of prisoners.

Duties of dep-
clerks of
counties.

II. *And be it further enacted*, That it shall be lawful for the sworn deputy of the clerk of any court of common pleas in this state, when the clerk, by reason of sickness, or any other cause, shall be unable to perform the duties of his office, or in the absence of the clerk, when such deputy shall be thereto authorised by warrant under the hand and seal of the clerk, to certify all rules, proceedings, pleadings and records in the office, to administer the oaths by law required to be taken by civil and military officers, and to assess damages on any award to the clerk for such purpose; and

the acts done by a sworn deputy aforesaid in pursuance of the provision herein contained, shall in all respects, and to every intent and purpose whatever, have the like force and effect, and be attended with the same consequence as if done by the clerk.

CHAP. LXXXVII.

An ACT concerning Criminal Prosecutions in the Counties of Suffolk, Queens, Kings, Richmond and New-York, and for other purposes.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That for all the objects and purposes declared and contemplated by the act entitled "An act relative to district attornies," the counties of Suffolk, Queens, Kings and Richmond shall be one district, and the city and county of New-York shall be another district, and that a district-attorney shall accordingly be appointed for each one of the said two districts.

II. *And be it further enacted,* That it shall not be hereafter necessary to publish the advertisement of the sale of any lands ordered to be sold by the surrogate of the county of Suffolk in any newspaper printed in the city of Albany.

CHAP. LXXXVIII.

An ACT to incorporate the Vienna Aqueduct Company.

Passed March 24, 1815.

WHEREAS the proprietors of the aqueducts in that part of the town of Phelps, in the county of Ontario, commonly known by the name of the village of Vienna, have represented by the petition of their association, for the purpose of supplying themselves and others with water, by means of aqueducts, that they have at a considerable expence conducted the water from the fountain to their respective houses, at the village aforesaid, and that the benefits arising therefrom are likely to be lost for want of adequate provisions made by law for the regulating and managing the said aqueducts, and for obliging each proprietor thereof to bear and defray his proportionate part of the expences attending such aqueducts, and in amending, superintending and managing the same : Therefore,

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for said proprietors and such other person as shall be admitted as such hereafter, from time to time to convene at such time and place, at the said village of Vienna, as a majority of the said proprietors shall appoint, due notice of such time and place of meeting being first given, by causing the same notice to be put up at least at three public places in the said village, not less than five days previous to such meeting; and at each and every of such meetings

Preamble.

By-laws to be made.

the said proprietors shall have power to make, ordain and declare all such by-laws, ordinances, rules, regulations and directions relative to such aqueducts, as they or a majority of them may deem proper for the superintendence, regulation and management of the same, and for extension, alteration, preservation and repairing thereof, and for the equal assessment and collection amongst the proprietors of all costs and expences attending the same, and shall have full power to make, ordain, limit and provide such pains for forfeitures and penalties as they may think proper for enforcing the observation and performance of the said by-laws, rules and regulations, to be prosecuted for by the inspectors hereinafter mentioned, in their own names, and recovered in any court having cognizance thereof, by action of debt or otherwise, to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts: *Provided*, That no such pain, penalty or forfeiture shall exceed the sum of ten dollars: *Provided always*, That such by-laws, ordinances, rules or regulations be not contrary to or inconsistent with the constitution, laws and statutes of this state, or of the United States.

Money to be raised.

II. *And be it further enacted*, That the said proprietors, or a majority of them, at any such meetings, may vote any sum or sums of money which they shall think fit, not exceeding one hundred dollars in any one year, to be assessed and levied on the said proprietors in proportion to their respective rights or shares, to defray the expenses of the necessary alterations, additions and repairing of such aqueducts or the fountains thereof, or for the compensation to the inspectors, treasurer and collector hereinafter mentioned, and to elect three or more discreet persons for inspectors of said aqueducts, one discreet person for their treasurer, each of whom shall continue in office until others be duly chosen.

Power of the inspectors.

III. *And be it further enacted*, That the said inspectors, or a majority of them, shall have power, and are hereby authorised and directed, from time to time, and at all times, to enter in and upon the lands of the said proprietors, and to examine, inspect, superintend, manage and direct the said aqueducts, agreeably to such by-laws, rules and ordinances, as the said proprietors, or a majority of them, shall from time to time hereafter make and declare, touching the same, or the management thereof, and shall have power to prosecute in their own names for all trespasses which may at any time be done or committed by any person or persons, upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses, in any court having cognizance of the same, to the use of the said proprietors, to be appropriated as aforesaid, and shall meet and duly assess upon the proprietors aforesaid, all such sum or sums of money, costs and expences, as as aforesaid to be voted by the said proprietors, and shall further do and perform all such duties as shall and may be lawfully committed to them by any laws, rules or ordinances of the said proprietors.

Duty of the treasurer and clerk.

IV. *And be it further enacted*, That the said treasurer shall keep a book, in which he shall fairly enter all receipts, advances and expenditures of all sums of money by him received, advanced or paid out, and shall likewise do and perform all matters commit-

ted to him by any rule, ordinance or law, so to be made in pursuance of this act; and shall as clerk of the said proprietors, keep the minutes of all the votes, resolutions and transactions of the said proprietors, at their several meetings so to be prescribed by this act, in a proper book by him to be kept for such purpose.

V. *And be it further enacted*, That the said collector so to be chosen, shall collect all such taxes and sums of money so as aforesaid, to be voted by the said proprietors agreeably to such tax list or assessment-roll as shall be made out by the said inspectors as aforesaid, within thirty days after the same shall be delivered to him, and shall pay the monies so by him to be collected into the hands of the treasurer; and in case the proprietors aforesaid, or any of them, shall refuse or neglect paying his or their proportion of such taxes or sums of money within the time limited for such payment, then it shall be lawful for such collector to collect the same in like manner as collectors in the several towns in this state are authorised to do.

Collector's duty,

And to the end that the whole number of the said proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights and shares therein ascertained with the greater care and precision,

VI. *Be it further enacted*, That the said treasurer shall keep a proper book, in which he shall duly enter the names of all the proprietors of the said aqueducts, together with their several rights or shares of, in or to the same, according to such by-law or rule as the said proprietors, or a majority of them shall make hereafter for such purpose, and shall also duly enter a note or memorandum of every transfer, lease or assignment made, or hereafter to be made, of any right or share of, in or to the said aqueducts, according to such by-law or rule as the said proprietor shall hereafter prescribe, which entry, so to be made by the said treasurer, shall be deemed evidence of such transfer, lease or assignment; and no person shall be considered a proprietor of the said aqueducts, after six months from the passing of this act, until the evidence of his right or share be so registered, nor be entitled to draw or use the waters from the said aqueducts by virtue of any title or claim not so registered,

Further duty of the treasurer.

CHAP. LXXXIX.

An ACT supplemental to the "Act for the relief of Thomas B. Clarke," passed April 1, 1814.

Passed March 24, 1816.

WHEREAS since the passing of the act, entitled "Act for the relief of Thomas B. Clarke," Clement C. Moore, in the said act named, by an indenture duly executed by him, and recorded in the office of the secretary of this state, and bearing date the twenty-first day of February, in the year one thousand eight hundred and fifteen, hath for the consideration therein expressed, and in due form of law, released and conveyed unto the said Thomas B. Clarke, his heirs and assigns, forever, all the estate, right, title, interest, property, claim and demand whatsoever, of the said Clement C. Moore, of in and to the real estate mentioned in the said act, whereby the

Preamble.

said real estate became exclusively vested in the said Thomas B. Clarke and his children: *And whereas*, The said Thomas B. Clarke hath prayed the legislature to alter and amend the said act, particularly in relation to the interest of the said Clement C. Moore, and the execution of certain of the trusts in the said act mentioned: Therefore,

Certain
rights vested
in Thos. B.
Clarke.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all the beneficial interest and estate of the said Clement C. Moore, or those under him, arising or to arise by virtue of the act to which this is a supplement, or by the will mentioned in the said act, shall be, and the same is hereby vested in the said Thomas B. Clarke, his heirs and assigns, and so much of the act to which this is a supplement, as is repugnant hereto, and so much thereof as requires the trustees to act apart and reserve a certain annual stipend, out of the interest or income of the property thereby directed to be sold for the purpose of creating an accumulating fund, at compound interest, during the life of the said Thomas B. Clarke, and so much of the said act as requires the several duties therein enumerated, to be performed by trustees to be appointed by the court of chancery, as therein mentioned be, and the same is hereby repealed.

He is empow-
ered to per-
form certain
duties.

II. *And be it further enacted*, That the said Thomas B. Clarke be, and is hereby authorised and empowered to execute and perform every act, matter, and thing, in relation to the real estate mentioned in the act to which this is a supplement, in like manner and with like effect that trustees duly appointed under the said act might have done, and that the said Thomas B. Clarke apply the whole of the interest and income of the said property to the maintenance and support of his family and the education of his children.

No sale to be
made without
the chancellor's
consent.

III. *And be it further enacted*, That no sale of any part of the said estate shall be made by the said Thomas B. Clarke, until he shall have procured the assent of the chancellor of this state to such sale, who shall at the time of giving such assent, also direct the mode in which the proceeds of such sale, or so much thereof as he shall think proper, shall be vested in the said Thomas B. Clarke, as trustee: And further, that it shall be the duty of the said Thomas B. Clarke annually to render an account to the chancellor, or to such person as he may appoint, of the principal of the proceeds of such sale only, the interest being to be applied by the said Thomas B. Clarke, in such manner as he may think proper for his use and benefit, and for the maintenance and education of his children; and if on such return, or at any other time and in any other manner, the chancellor shall be of opinion that the said Thomas B. Clarke hath not duly performed the trust by this act reposed in him, he may remove the said Thomas B. Clarke from his said trust, and appoint another in his stead, subject to such rules as he may prescribe in the management of the estate hereby vested in the said Thomas B. Clarke, as trustee.

Accounts to
be rendered
to the chan-
cellor.

CHAP. XC.

An ACT for the relief of the Montgomery Academy.

Passed March 24, 1815.

WHEREAS the trustees of Montgomery academy have offered to appropriate a suitable and convenient room or rooms in said academy, for the use of the common school, provided the trustees of said academy be the trustees of said common school; and whereas it is deemed important for the benefit of the district in which said academy is situated, that the common school be put under the care of said trustees : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the trustees of Montgomery academy, and their successors in office, be the trustees of the common school district, number seven, in the town of Montgomery, in the county of Orange, and are invested with all the powers as if they were annually chosen by the inhabitants of said district, and that five of the trustees be a quorum to transact all business relating to the said common school, and that the said trustees shall account to the commissioners of schools for said town for the faithful application of all monies, according to the true intent and meaning of the act, entitled "An act for the establishment of common schools," passed June ninth, one thousand eight hundred and twelve, and that said district number seven shall not be divided for the term of fourteen years, or thereafter, without the consent of the legislature : *And provided also,* That this act shall not take effect until the consent of a majority of the taxable inhabitants of the said district be first obtained for the purposes aforesaid.

CHAP. XCI.

An ACT authorising the Supervisors of the county of Niagara to raise money to build a Court-House.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the supervisors of the several towns in the county of Niagara, or a majority of them, shall be, and they are hereby authorised and directed to cause to be raised and levied on the freeholders and inhabitants of the said county, the sum of four thousand dollars, for building a court-house for said county, in the village of Buffalo, with the additional sum of five cents on each dollar for collecting the same, two thousand dollars to be raised in the year one thousand eight hundred and fifteen, and two thousand dollars to be raised in the year one thousand eight hundred and sixteen.

II. *And be it further enacted,* That Samuel Tupper, Joseph Landon and Oziel Smith, are hereby appointed commissioners to superintend the building the said court-house; and the said commissioners, or a majority of them, may contract with workmen and purchase materials for erecting said court-house, and shall from

4000 dollars to be raised.

Commissioners and their duty.

time to time, draw upon the treasurer of said county for such sums of money, for the purpose aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies they shall have received from the treasurer, when thereunto required.

Accounts to
be rendered.

III. *And be it further enacted*, That the accounts of the said commissioners for their services and expences in superintending the building the said court-house, shall be audited and allowed by the supervisors of said county, and paid as other contingent charges of said county are levied, collected and paid.

CHAP. CXII.

An ACT relative to the Catskill Mechanical Society.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act, entitled "An act to incorporate the mechanical society" be, and is hereby continued in force for the term of fifteen years from and after the second Tuesday in April next.

CHAP. XCIII.

An ACT to extend the Newburgh and Plattekill Turnpike Road.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the Newburgh and Plattekill turnpike company be, and they are hereby authorised to extend the said road from its present termination, near the house of Daniel Smith, in the town of Newburgh, in nearly a southerly direction, through the lands of Daniel Wilson and Samuel Burr, to the north-east of a lot of land belonging to the heirs of William Seymour, deceased, (formerly belonging to Caleb Coffin) near the house of the said Samuel Burr, and thence in a direction between the east end of Thomas Carseadden's garden and John McLean's westernmost gate, near the Newburgh and Sullivan turnpike road, to the said road, and that the same when completed, shall be considered as part of the turnpike road made in pursuance of the act, entitled "An act to incorporate the Newburgh and Plattekill turnpike company," passed June twelfth, 1812.

CHAP. XCIV.

An ACT to increase the Rates of Toll for crossing the Mohawk Bridge, at the city of Schenectady, and for other purposes.

Passed March 24, 1815.

WHEREAS the president, directors and company of the Mohawk bridge company have by their petition represented, that the present rates of toll for crossing said bridge are insufficient to pay ^{Preamble.} the repairs necessary to the bridge, and to compensate the stockholders with legal interest for the money invested in said company, and furnish no funds for rebuilding the bridge, which will become necessary in a few years. And whereas the existence of a bridge across the Mohawk at Schenectady is of great public utility : And whereas they have, by their petition, requested the present rates of toll to be increased, and it appearing reasonable to grant such request : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That instead of the rates of toll heretofore allowed by law to be taken from persons passing the gate or gates erected on said bridge, it shall be lawful for the said president, directors and company to demand and receive from all persons passing the gate or gates erected on said bridge, the following toll hereafter mentioned, to wit : For every head of live sheep, hogs or calves, one and an half cents ; every head of horned cattle, nine cents ; every horse, jack, mule or ox, whether led or drove, nine cents ; every horse or mule and rider, twelve and a half cents ; every two wheel pleasure carriage drawn by one horse, jack or mule, eighteen and three quarter cents, and six cents for every additional horse, jack or mule ; every four wheel pleasure carriage, the body whereof is supported by springs or thorough braces, drawn by one horse, jack or mule, twenty-five cents, and twelve and a half cents for every additional horse, jack or mule ; every pleasure waggon drawn by one horse, jack or mule, twenty-five cents, and twelve and a half cents for every additional horse, jack or mule ; every stage drawn by one horse, jack or mule, eighteen and three quarter cents, and six and a quarter cents for every additional horse, jack or mule ; every freight or burthen waggon drawn by one horse, jack, mule or ox, twelve and a half cents, and six cents for every additional horse, jack, mule or ox ; every cart, or other two wheel carriage of burthen, drawn by one horse, jack, mule or ox, twelve and a half cents, and six and a quarter cents for every additional horse, jack, mule or ox ; every sleigh or sled of any description drawn by one horse, jack, mule or ox, twelve and a half cents, and six and a quarter cents for every additional horse, jack, mule or ox ; every foot passenger, three cents : *Provided*, That nothing in this act contained shall authorise the president, directors and company of the said company to exact or receive more than six and a quarter cents for waggons and sleighs employed in carrying wood into the first and second wards of the city of Schenectady, or for waggons passing in their ordinary farmers work, to and from their lands and farms lying in the city of Schenectady, drawn by not more than two horses, jacks, mules or oxen, and two cents for every additional horse, jack, mule or ox. ^{Rates of toll.}

Costs of suit
how recover-
ed.

II. *And be it further enacted*, That in all suits hereafter to be brought by the president, directors and company of the Mohawk bridge company for any of the penalties given them by law, where judgment is given in their favor, they shall also recover the like costs of suit as are now allowed by law in other cases.

Dividend to
be paid annu-
ally.

III. *And be it further enacted*, That it shall not be lawful for the said president, directors and company of the Mohawk bridge company to declare or pay to the stockholders of said company more than eight per cent. on the capitol stock of said company annually, out of the tolls arising from said bridge. And that for the purpose of producing a fund for repairing or rebuilding the said bridge, it shall and may be lawful for the said president, directors and company to vest in bank stock, or in the public funds, or to loan for such time and on such security as they may think proper, any sums which from time to time may be received for tolls over eight per cent. aforesaid, and to sell or collect the same, and to apply the monies arising therefrom, together with any monies received for tolls as aforesaid, to the repairing or rebuilding the said bridge: *Provided nevertheless*, That it shall be lawful for the legislature to repeal or amend the present act at any time when in their discretion the public good may require it.

Parts of a
former act re-
pealed.

IV. *And be it further enacted*, That the first and second sections of the act entitled "An act concerning the president and directors of the Mohawk bridge company," passed the 30th day of March, 1809, be and the same is hereby repealed.

CHAP. XCV.

An ACT to alter the time of holding Town Meetings in the town of Sheldon, in the county of Genesee.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the annual town meetings in the town of Sheldon, in the county of Genesee, shall, after the first Tuesday of April next, be held on the first Tuesday in March annually; and that all such town officers whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February to do and transact such business as to their respective offices may appertain.

CHAP. XCVI.

An ACT for the relief of Caleb Melvin.

Passed March 24, 1815.

Preamble.

WHEREAS a recovery has been had in the supreme court of this state against Caleb Melvin, a captain in the militia of the said state, for the penalty of five hundred dollars, under the 25th section of the act entitled "An act for regulating elections," one half of which penalty accrues to the benefit of the people of this state.

And whereas it appears that the said Caleb Melvin became subject to the said penalty ignorantly, and without any improper motives: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said Caleb Melvin be, Part of the fine remitted and he is hereby discharged from all liability to pay that part of the said penalty so as aforesaid recovered against him which belongs to the people of this state, and that all further proceedings for the collection thereof be forthwith stayed.

II. *And be it further enacted,* That if the said penalty shall have been collected before relief can be afforded to the said Caleb Melvin under the preceding section of this act, that then the said Caleb Melvin shall be entitled to receive from the treasurer of this state the sum of two hundred and fifty dollars, and that it shall be the duty of the comptroller to issue his warrant to the said Caleb for that sum, whenever the said Caleb shall produce to the said comptroller satisfactory evidence that the moiety of the said penalty belonging to the people of this state has been collected from him the said Caleb. If collected, to be paid by the treasurer.

CHAP. XCVII.

An ACT to alter the bounds of the Town of Sterling, in the county of Cayuga.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town of Sterling shall comprehend all that territory included within the following bounds, to wit: beginning at the north-west corner of the town of Hannibal, thence south to the north line of the town of Cato, thence west to the east line of Williamson's purchase, thence north to lake Ontario, thence eastwardly along the said lake to the place of beginning.

CHAP. XCVIII.

An ACT to authorise William Sternbergh to erect a Dam across the Oneida Creek.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for William Sternbergh, his heirs and assigns, to build and maintain a dam across the Oneida creek, opposite to the land now owned by, or in possession of the said William: *Provided nevertheless, and this grant is upon the express condition,* That the said William shall erect, maintain and keep in good repair, free from toll, a good and sufficient lock for the passage of boats to and from the Oneida lake, to be erected at such time and in such a manner as shall be directed by the court of common pleas in and for the county of Oneida,

and shall, within six months after the passing of this act, make a slope or apron of an ascent, that the fish may easily pass over into the waters above said dam : *And provided further*, That it shall and may be lawful for the legislature of this state at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this act.

CHAP. XCIX.

An ACT to amend an act entitled "An act to incorporate the Eagle Fire Company of New-York."

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act it shall and may be lawful for the Eagle fire company of New-York to execute policies or contracts of insurance without affixing thereto the seal of the said corporation ; and that all policies or contracts of insurance hereafter to be made or entered into by the said corporation, being signed by the president, or president pro tempore, and attested and signed by the secretary, or person acting as such for the time being, shall be binding and obligatory upon the said corporation without the seal thereof, according to the tenor, intent and meaning of such policies or contracts, any thing in their said act of incorporation contained to the contrary thereof in any wise notwithstanding.

CHAP. C.

An ACT for holding a Fourth Term of the Court of Common Pleas and General Sessions of the Peace, and altering the June Term, in the county of Ontario.

Passed March 24, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That there shall be an additional term of the court of common pleas, and of the court of general sessions of the peace, in the county of Ontario, to be holden on the third Tuesday of August in each year ; and the first term of said court shall be holden on the third Tuesday of August next, at the court-house in Canandaigua, and shall be called the August term ; and the August term shall continue to be holden from the said third Tuesday until Saturday in the same week : *Provided nevertheless*, That it shall be lawful for the judges and assistant justices of the said court to adjourn the same on any day previous to Saturday of the same week, if, in their discretion, they shall deem it proper ; but no writ or process returnable on Saturday of the same week shall abate in consequence of such adjournment, nor on account of any writ or process issuing out of the same court being tested on Saturday of the same week.

August term.
June term altered to May.

II. And be it further enacted, That the June term of the court of common pleas and general sessions of the peace in and for the

county of Ontario, instead of being held on the first Tuesday of June, shall hereafter be holden on the third Tuesday of May, and may be continued and held from the commencement thereof until the Saturday following inclusive, which said term shall be called the May term; and that all matters and proceedings in the said courts depending or being, shall be deemed and taken to be continued unto the term above respectively assigned, with the like effect to all intents and purposes as the same would have been continued to the term heretofore fixed by law.

CHAP. CI.

An ACT granting an additional Term, and altering the present Terms of the Courts of Common Pleas and General Sessions of the Peace of Otsego county.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That instead of the present terms of the said courts, the courts of common pleas from and after the next June term of the said court as now directed by law to be held, shall be held on the third Tuesday in February, the first Tuesday in June, the last Tuesday in August, and the first Tuesday in December in every year, at the court-house in said county; and that the said court of general sessions of the peace of said county shall be held on the last Tuesday in August and the third Tuesday in February in every year, at the court-house aforesaid; and that the terms respectively of the said courts shall be called and known by the names of the respective months in which they are respectively to be held by this act. Terms altered.

II. *And be it further enacted,* That each of the said terms and courts so altered, added and continued by this act, may be held, continued and adjourned in the same manner as they might or could have done if the said terms had been so named and inserted in the act entitled "An act concerning the courts of common pleas and general sessions of the peace in the several counties of this state;" and that so much of the said last mentioned act as is repugnant to this law shall, from and after the said term of June next, be, and the same is hereby repealed. How to be conducted.

CHAP. CII.

An ACT to appoint Commissioners to lay out a road from the Village of Whitesborough, in the County of Oneida, to the Oneida Lake.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Seth Capron, John B. Pease and Amos Smith, or any two of them, be, and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from the dwelling-house of the said John B. Pease, in

the main street of Whitesborough, in the most direct and eligible route through the towns of Whitestown, Westmoreland and Verona, to a point in the easterly margin of the Oneida lake, at or near the mouth of Wood creek.

II. *And be it further enacted*, That the said commissioners, before they shall enter upon the duty aforesaid, shall take and subscribe an oath before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of the road, and cause the same, with the field notes of the survey, to be filed in the clerk's office of each town through which the road shall be laid out; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road shall be opened and improved in the manner prescribed by the act to regulate highways; and the said commissioners and their surveyors shall each be allowed two dollars and fifty cents per day for every day by them necessarily employed in the duties aforesaid, to be paid as a part of the contingent expences of said county.

CHAP. CIII.

An ACT for dividing Elizabethtown, in the county of Essex.

Passed March 24, 1815.

Town of
Westport
repealed.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of Elizabethtown, in the county of Essex, bounded as follows, to wit: beginning on the north line of the said Elizabethtown, at the mouth of Black river, thence up the said river as it winds and turns on the east shore of said river, until it intersects the south line of Morgan's patent; thence due south to the north line of Moriah; thence easterly on said line of Moriah to the ore bed wharf; thence east to the east line of this state; thence northerly on the east line of this state to the south-east corner of Essex; thence west on the south line of Essex to the place of beginning be, and hereby is erected into a separate town, by the name of Westport; and that the first town meeting be held at the dwelling house now occupied by Charles Hatch, in said town.

II. *And be it further enacted*, That all the remaining part of Elizabethtown shall be and remain a separate town by the name of Elizabethtown, and that the next town meeting shall be held at the dwelling house now occupied by Norman Newel and son, in said town.

Poor and
poor money
divided.

III. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the said towns of Elizabethtown and Westport, on notice first being given by the supervisors of said towns for that purpose, shall meet together and divide the money and poor belonging to the town of Elizabethtown, previous to the division, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

CHAP. CIV.

An ACT to incorporate the New-Hamburg Turnpike.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, re-*
presented in Senate and Assembly, That William Hughson, Aa-
 on Shute, John Covenhoven, Peter Oakley and Underhill Budd,
 and all such other persons as shall associate for the purpose of
 making a good sufficient turnpike road, to begin at, or near the
 house of Chauncey Weeks, in the town of Fishkill, in the county of
 Dutchess; from thence to run westerly on the nearest and most
 convenient route by the houses of John V. D. L. Brinkerhoff,
 John Scouten, Abraham C. Dubois, William and Tuenis Cooper,
 John Covenhoven and Aaron Shute, to the store of Budd and Has-
 brouck, in the said town, there to end, and their successors be, and
 they are hereby created a body corporate and politic, by the name
 of "The president, directors and company of the New-Hamburg
 turnpike," in fact and in name, and by that name, they and their
 successors shall and may have continual succession, and be capa-
 ble of suing and being sued, pleading and being impleaded, an-
 swering and being answered unto, defending and being defended,
 in all courts and places whatsoever, in all actions and complaints,
 matters and causes, and by the same name and style shall be in
 law capable of purchasing, holding and conveying any estate, real and
 personal, for the use of said corporation: *Provided,* That such
 state, as well real as personal, so to be purchased and held, shall be
 necessary to fulfil the end and intent of the said corporation, and
 no other purpose whatsoever.

Company in-
corporated.Name and
style.

Proviso.

II. *And be it further enacted,* That the stock of the said com-
 any hereby incorporated, shall consist of three hundred and
 twenty shares, of twenty-five dollars each, and that William Eck-
 er, Joseph Carpenter and Mowbery Carpenter be, and they are
 hereby appointed commissioners to receive subscriptions for the
 said stock, in the manner directed by the act, entitled "An act
 relative to turnpike companies," passed the 13th day of March,
 807.

Stock.

III. *And be it further enacted,* That the said company hereby
 incorporated, shall not erect more than one gate on the said road,
 and that they shall be entitled to exact and receive the following
 rates from all persons travelling or using the same: for every wag-
 gon, drawn by two horses, mules or oxen, six cents, and three
 cents for every horse, mule or ox attached to such waggon; for e-
 very cart or other carriage drawn by two horses, mules or oxen,
 six cents; and for every additional horse, mule or ox attached to
 such carriage, three cents; for every horse and rider, three cents;
 for every cart or waggon drawn by one horse or mule, four cents;
 for every chair, sulkey, chaise or other pleasure carriage with one
 horse, four cents; for every chariot, coach, coachee or phaeton, or
 other four-wheeled pleasure carriage drawn by two horses, six
 cents; for every sleigh or sled drawn by two horses, mules or oxen,
 four cents; for every sleigh or sled drawn by one horse or mule, three
 cents; and so in proportion for a greater or less number; for every

Rates of toll

score of sheep or hogs, four cents ; and so in proportion for a greater or less number ; for every stage waggon drawn by two horses, six cents ; and three cents for every additional horse attached to such waggon ; and for horses, mules and neat cattle in droves, one cent each.

Number and
privileges of
the directors.

IV. *And be it further enacted*, That the number of directors hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the concerns and business of the company hereby incorporated ; shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to to all the conditions, provisions, restrictions and regulations contained in the said act.

CHAP. CV.

An ACT to divide the town of Caneadea, in the county of Allegany.

Passed March 24, 1815.

Town of
Friendship
erected.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the day preceding the first Tuesday in April next, all that part of the town of Caneadea, in the county of Allegany, comprehended and included in townships number one, two and three, in the first range of townships, and numbers one, two and three, in the second range of townships in the said town of Caneadea, shall be and hereby is erected into a town by the name of Friendship ; and the first town meeting in the said town shall be held on the first Tuesday of April next, at the house of Henry Utter.

II. *And be it further enacted*, That from and after the day preceding the first Tuesday in April next, all the remaining part of said town of Caneadea, shall be and remain a separate town by the name of Caneadea, and that the first town meeting in the said town shall be held at the house of Alexander V. P. Mills, on the first Tuesday of April next.

Poor and poor
money divid-
ed.

III. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of aforesaid towns shall, by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Caneadea, and the poor money belonging to the same, previous to the division thereof, agreeable to the then last tax list ; and that each of the aforesaid towns shall forever thereafter maintain its own poor.

CHAP. CVI.

An ACT in addition to the act concerning Infants.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* whenever an infant shall be seized of any lands or tenements, or be entitled to any term to come in any lands in this state, and it shall be represented to the chancellor on behalf of said infant, that his or her interest requires that the said lands or term should be sold or disposed of, the chancellor may, in a summary manner, proceed to enquire into the merits of the application, and to order a sale or disposition of the property, in the manner hereinafter directed; and from such time the infant shall, as far forth as relates to such property, its proceeds and income, be considered a ward of the court of chancery.

The chancellor may order sales.

II. *And be it further enacted, That* on every such application, the chancellor shall, in his discretion, appoint one or more suitable persons guardian of the infant in the premises, who shall give bond to the infant, to be filed with the register or assistant register of the court of chancery, in such sum, with such surety, and in such form, as the chancellor shall direct, for the faithful and just performance of the trust reposed in such guardian, and for the observance of such orders and directions as the chancellor shall from time to time make in the premises, in relation to such trust; which bond, if forfeited, may be prosecuted in any court having cognizance of the same, by the direction of the chancellor.

And appoint guardians.

III. *And be it further enacted, That* after such bond shall be given and filed as aforesaid, the chancellor may when, and as often as it shall satisfactorily appear to him that the interest of the infant requires, or will be substantially promoted by a sale or other disposition of the lands or term of such infant, or of any part or parts thereof, direct a sale, or other disposition of such lands or term to be made by the guardian, in such way and manner, and with such restrictions and directions, as the chancellor shall order; and all sales, dispositions and conveyances, made in good faith by the guardian, in pursuance and conformity to such order, shall be good and effectual in law and equity: *Provided however,* That nothing in this act contained shall authorise the sale or disposition of any lands, or term, against the provisions of any last will or conveyance.

Sales, how to be made.

IV. *And be it further enacted, That* all sales and dispositions to be made in pursuance of this act, shall be reported on the oath of the guardian to the chancellor, to be passed upon by him, before a conveyance shall be executed; and if the sale or disposition is confirmed by the chancellor, he shall make order for the investment and disposition of the proceeds of the same, so as to secure the same to the infant, in such way and manner as may seem most for his or her benefit and advantage, and a return of such investment or disposition shall also be made to the chancellor, on oath, as aforesaid, as soon as conveniently may be.

Proceeds, how to be disposed of.

V. *And be it further enacted*, That no sale of the real estate of any infant, in pursuance of the provisions this act, shall give to any person any other or greater estate in the proceeds of such real estate, than he would have had provided the same had not been sold, but the said proceeds shall be considered, relative to the statutes of descents and distribution, and for every other purpose, as if the said real estate had not been sold.

In case of
dower.

VI. *And be it further enacted*, That in case the lands of any infant shall be subject or liable to dower, and the person or persons entitled thereto shall consent to release such dower by the acceptance either of a gross sum in lieu thereof, or by the investment of a reasonable part of the purchase money in such manner as that the interest thereof be made payable to the person or persons entitled to such dower, during the life of the person having the right of dower, then, and in either case it shall be lawful for the chancellor to direct the payment of a sum in gross, to the person or persons entitled to such dower, or else to direct the investment of such sum as the chancellor shall consider reasonable, and as shall be acceptable to the person or persons entitled to dower, and thereafter such lands shall be freed and discharged from such claim or right of dower.

CHAP. CVII.

An ACT relative to the Charlotte River Turnpike.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time allowed for completing the Charlotte river turnpike shall be and the same is hereby enlarged to the thirty-first day of December, in the year one thousand eight hundred and twenty; and that it shall and may be lawful to and for the president and directors of the said Charlotte river turnpike company to contribute a sum, not exceeding fifty dollars annually, out of the monies received by them for toll on the said turnpike, to the repairs of any such road in the towns of Jefferson and Harpersfield, leading from the said turnpike to the Susquehanna turnpike, as they may deem most advantageous to the interest of the said Charlotte river turnpike.

CHAP. CVIII.

An ACT relative to the Court-House and Gaol in the County of Essex.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the supervisors of the county of Essex, and they are hereby required to appropriate any monies now in the treasury of said county not otherwise appropriated, to the payment of the expence of finishing the

court-house and gaol in said county, and to draw on the treasurer of the county for the same, who is hereby authorised and directed to pay over the same to the order of the said supervisors : *Provided always*, That the sum so drawn for shall not exceed the sum actually expended in finishing said court-house and gaol at the time of passing this act.

CHAP. CIX.

An ACT to authorise William Ludlum, Isaac Lefferts and James Denton to sell and convey certain common lands belonging to the town of Jamaica, in Queens county.

Passed March 24, 1815.

WHEREAS it appears from the petition of William Ludlum, Isaac Lefferts and James Denton, that a piece of swamp, called the great swamp, situated in the town of Jamaica, adjoining the lands of John Rider, James Martin, Othniel Everett and others, containing fifty-six acres and three quarters of an acre ; also a lot of salt meadow, situate at Jamaica, south in the said town, bounded by the mill creek so called, Duryea's mill pond, and the road leading to Duryea's mill so called, containing about eight acres, be the same more or less, being part of common lands belonging to the said town, are unproductive, and cannot be made productive without great expence ; and that the freeholders and inhabitants of said town, at their annual town meeting, held in the month of April last, passed a vote appointing the said William Ludlum, Isaac Lefferts and James Denton a committee to petition the legislature for a law authorising them to sell the said premises, with sufficient up land contiguous to the said meadow to make a road on the said meadow.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the said William Ludlum, Isaac Lefferts and James Denton to sell at public vendue, giving at least thirty days previous notice of the time and place of sale, all the right, title and interest of the said town of Jamaica, of, in and to the said piece of land, called the great swamp, and lot of salt meadow, with the appurtenances, and convey the same to the purchaser or purchasers thereof, in fee simple ; and the monies therefrom arising either to be invested in a productive real estate, situate in the said town of Jamaica, or placed at interest, as the freeholders and inhabitants of said town, at their next annual town meeting may direct, the interest or income to be applied to such purposes, from year to year, as the said freeholders and inhabitants by vote at their annual town meeting shall direct.

II. *Be it further enacted*, That the title to such real estate, if any shall be directed to be purchased, shall be taken in the name of the supervisor of the said town for the time being, and to his successors, in trust to and for the benefit of the freeholders and inhabitants of said town ; or if the money is loaned, the supervisor and town clerk for the time being shall be the persons to loan the same.

CHAP. CX.

An ACT to incorporate the Snake Hill Turnpike Road Company.

Passed March 24, 1815.

Company in-
corporated.

Style.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Jonathan Hasbrouck, William Taylor, Hiram Wheller, Nathaniel Dubois and Jonathan Hedges, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road to begin at or near the house of William Taylor, in the village of Newburgh, and from thence running southerly in the nearest and most convenient direction till it intersects the old Wallkill road, at or near the mills of Nathaniel Dubois in said village, and from thence running the nearest and most convenient direction until it shall intersect the New-Windsor and Bloomingrove turnpike road, near the house of William Craft, in the town of New-Windsor, in order to open a direct and easy communication between the village of Newburgh and a road leading to Goshen, and also a road leading to New-York through Smith's Clove, and their successors, be and they are hereby created a body corporate and politic, by the name of "The president, directors and company of the Snake Hill turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and no other purpose whatsoever.*

Stock.

II. *And be it further enacted, That the stock of the said company hereby incorporated shall consist of two hundred shares, of twenty dollars each share; and that Hiram Wheller, Jonathan Hasbrouck and Nathaniel Dubois be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies," passed March 13th, 1807.*

Rates of toll.

III. *And be it further enacted, That the said president, directors and company hereby incorporated shall be entitled to exact and receive at the gate or turnpike to be erected on the said road the following sums of money: for every chariot, coach, coacher or phaeton drawn by two horses, eight cents; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen, four cents, and for every additional horse, mule or ox, one cent; for every waggon drawn by one horse, two cents; for every cart drawn by two horses, mules or oxen, four cents, and for every additional horse, mule or ox, one cent; for every sulkey, chair or chaise, four cents; for every sleigh or sled drawn by two horses, mules or oxen, two cents, and one cent for every additional horse.*

mule or ox ; for every sleigh drawn by one horse, mule or ox, one cent ; for a score of hogs or sheep, three cents ; for a score of cattle, horses or mules, eight cents, and in that proportion for any greater or less number of hogs, sheep, cattle, horses or mules ; for every horse and rider, two cents ; for every horse led or driven, one cent.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the said company shall be five, three of whom shall be a quorum, and capable of managing the business of said company ; and that the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted by the aforesaid act entitled " An act relative to turnpike companies." Privileges & restrictions.

CHAP. CXI.

An ACT for the payment by this state of its quota of the direct tax laid upon the United States by an act of Congress, passed 9th of January, 1815.

Passed March 24, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That this state shall and will pay into the treasury of the United States of America, its quota of the direct tax laid upon the United States, by the act of congress passed 9th of January, 1815, entitled "An act to provide additional revenues for defraying the expences of government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," on or before the first day of May next, in pursuance of the provisions of said act, and that it shall be the duty of the governor of this state to give notice hereof to the secretary of the treasury of the United States, on or before the first day of April next.

CHAP. CXII.

An ACT to alter the terms of the Courts of Common Pleas and General Sessions of the Peace in the county of Rensselaer.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the courts of common pleas and general sessions of the peace in the county of Rensselaer, shall be held in every year at the times and place following, to wit : at the court-house in said county, the court of common pleas shall be held on the last Mondays of May, August, November and February, and the general sessions of the peace, on the said last Mondays of August, November and February.

II. *And be it further enacted*, That the said courts may continue to be held from the time of their commencement, Sundays ex-

cepted, until the several Tuesdays in the next week thereafter, inclusive.

III. *And be it further enacted*, That so much of the act, entitled "An act concerning the courts of common pleas and general sessions of the peace in the several counties of this state," passed April 5, 1813, as relates to the times of holding the court of common pleas and general sessions of the peace in said county be, and the same is hereby repealed.

CHAP. CXIII.

An ACT granting the pre-emption right to certain lands to William Sternberg.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for William Sternberg to locate, on any unappropriated lands belonging to the people of this state, situate in the late Oneida reservation, two hundred acres of land, provided the said William shall, within six months from the passing of this act, make such location, and file a map thereof in the office of the surveyor-general.

II. *And be it further enacted*, That it shall be the duty of the commissioners of the land office to issue letters patent to the said William for the lands located in pursuance of this act: *Provided nevertheless*, That previous to the issuing said letters patent, it shall be the duty of the surveyor-general to cause the said lands to be appraised according to their value at the time of the passing of this act, and the said William shall pay into the treasury of this state, one-sixth part of the appraised value of such lots; and execute to the people of this state a mortgage of said lands, together with a bond, as a collateral security for the payment of the residue of the purchase money, payable in five equal annual installments, an interest at and after the rate of seven per cent. per annum. *And provided also*, That no such location shall be made or received on any lot or lands in the said reservation, which in the opinion of the surveyor-general ought not to be granted.

CHAP. CXIV.

An ACT relative to the City of Hudson.

Passed March 31, 1815.

City divided
into two
wards.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the city of Hudson lying westerly and northerly of a line commencing on the south-easterly side of the old road at the Claverack creek, near the house of Peter Van Rensselaer, and running along the southeasterly side of said road until it intersects the road leading up the dugway, thence along the south-

easterly side of said road to the south-easterly side of third street; thence along the south-easterly side of third street to the highland turnpike; thence along the easterly side of the said turnpike to the line of the manor of Livingston, shall be known and distinguished in law, as the first ward of the said city; and that all that part of the city lying southerly and easterly of the aforesaid lines, shall be known and distinguished as the second ward of the said city; and that each of the said wards shall hereafter elect their officers in manner hereinafter mentioned.

II. *And be it further enacted*, That on the first Tuesday of April in each year, the freemen of each ward shall assemble at such hour and place as the common council shall direct, in each of said wards, and shall, by a plurality of votes, elect one supervisor, two aldermen, two assistant aldermen, two assessors, one overseer of the poor, one collector, and two constables for and in each of said wards, and as many overseers of highways as the common council of said city may direct for each of the said wards, which officers, so elected, shall hold their offices for the year, and until the first day of April ensuing; and it shall be the duty of the said common council annually to appoint three persons, residents of, in and for each the said wards, as inspectors of such election, who shall receive and canvass and declare the votes given at such election, and make a true return thereof to the clerk of the said city, within three days after such election.

Officers, how
to be chosen.

III. *And be it further enacted*, That the said inspectors, before entering upon the execution of the said office, shall severally take an oath before the mayor, recorder, or clerk of the said city, faithfully and impartially to execute the duties of said office, and such inspectors shall have authority to administer all oaths, and to do all and singular the acts necessary for and incident to the said office.

Oath to be
taken.

IV. *And be it further enacted*, That the common council of said city shall have the full control and disposal of all monies collected within the said city for the taxes and assessments on roads and highways, and that the collector of each ward may collect all assessments and taxes from any individual residing within the said city.

V. *And be it further enacted*, That the common council of the city of Hudson, and the trustees of the village of Athens, for the time being, shall and may from time to time, and they are fully authorised and empowered by contract or otherwise, to improve the ferriage between the said city and village, and for that purpose to dig a canal through the flat land in said river, opposite the said places; and if in their opinions beneficial, proper or necessary to effect the said purposes, to lease the said privileges and the rights of ferriage to any person or persons, and generally to do all acts and things which in their judgment shall be conducive to the public interest in the premises: *Provided*, That no lease to be executed as aforesaid, shall exceed the term of twenty-one years.

Ferry may
be leased.

CHAP. CXV.

An ACT to enable the Trustees of School District number seven, in the town of Bath, to hold by deed, a certain lot therein mentioned.

Passed March 31, 1815.

WHEREAS Samuel Baker, William Read and Eli Read, now hold by deed fifty acres of land, or thereabouts, in trust, for the benefit of a common school in the settlement called Pleasant Valley, in the town of Bath, and county of Steuben : *And whereas* the said settlement of Pleasant Valley has, by the commissioners of common schools for the said town of Bath, been formed into a school district, called number seven : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Samuel Baker, William Read and Eli Read be, and they are hereby authorized to convey by deed, the said trust estate to Cornelius Younglove, Amos Stone and Lazarus Hammond, trustees of the said school district number seven, in the said town of Bath, and county aforesaid, and to their successors in office, to and for the uses in and by the said deed to the said Samuel Baker, William Read and Eli Read, particularly specified.

CHAP. CXVI.

An ACT to amend the act entitled "An act to incorporate the Firemen of the City of New-York as an Insurance Company."

Passed March 31, 1815.

Directors
must possess
at least 18
shares in the
stock.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the passing this act, no person shall be eligible for a director of the said insurance company unless he shall, at the time of his election, in addition to the qualifications required by the act hereby amended, be the holder in his own right of at least eighteen shares of the stock of the said corporation ; and that each director hereafter to be elected, to entitle him to hold the said office, shall, during his continuance therein, be and continue the holder in his own right of at least the said number of eighteen shares of the stock of the said corporation ; and whenever and as often as any such director shall cease to hold that number of shares, every such director shall thereupon cease to be a director, and his or their said office or place shall be supplied and filled by another or others, to be chosen in his or their stead, by the directors for the time being, by a plurality of the votes of the said directors, or such of them as shall be present at a meeting of the directors to be convened for that purpose, and which person or persons so to be chosen shall continue in office until the next election of directors shall be made by the stockholders.

Election.

II. *And be it further enacted,* That from and after the passing of this act, no stockholder shall be entitled to vote, or shall vote at

any election, on any share or shares or stock that shall not have been held by him, and stood in his name, or been held by and stood in the name of some other name or person in trust for him, or for his use, for at least thirty days next preceding such election.

III. *And be it further enacted*, That the policies of insurance, and other contracts hereafter to be made or entered into by the said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons as may be for that purpose authorised by the act of incorporation or the by-laws of the said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto, and that an action upon the case may be maintained thereon against the said corporation.

Policies how to be executed.

CHAP. CXVII.

An ACT to revive an act entitled "An act to incorporate the Narrowsburgh Bridge Company," passed April 5th, 1810.

Passed March 31, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the act entitled "An act to incorporate the Narrowsburgh bridge company," passed April 5, 1810, be, and the same is hereby revived, and shall be in full force and effect as if the said act had now been passed, any thing in the said recited act to the contrary notwithstanding.

A former act revived.

II. *And be it further enacted*, That the corporation created by the act hereby revived shall have, till the first day of January, one thousand eight hundred and twenty-one, to erect, build and complete said bridge; at which time, if said bridge is not erected, built and completed, the said corporation shall be adjudged and considered as dissolved.

Time allowed for building the bridge.

III. *And be it further enacted*, That the said bridge, with its appurtenances, shall not become the property, nor vested in the people of this state, until after the expiration of sixty years from the passing of this act.

In 60 years to be the property of the state.

CHAP. CXVIII.

An ACT to incorporate the Rochester Turnpike Company.

Passed March 31, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Nathaniel Rochester, John Mastick, Elisha Ely, John A. Stevens, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in the county of Ontario, from the village of Canandaigua

Company incorporated.

Style, &c.

to the falls of the Genesee river, to intersect the ridge road near the bridge over the Genesee river, and to run upon or adjacent to the road lately laid out by John Brocklebank, Asa Hickox and Samuel Felt, commissioners appointed by the act entitled "An act appointing commissioners to lay out the road therein mentioned from Canandaigua to the mouth of the Genesee river," passed March 20, 1812, be and are hereby created, ordained and constituted a body corporate and politic, by the name of "The president and directors of the Rochester turnpike road company," and by that name they shall and may have perpetual succession, and shall be and hereby are made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal; and they are hereby made capable in law of purchasing and holding any estate, real and personal, for the benefit of the said company, provided such real estate shall only be for the purposes of this incorporation.

Road how to be made.

II. *And be it further enacted*, That the said road shall be made in every respect agreeably to the directions of the act entitled "An act relative to turnpike companies," passed 13th March, 1807, and the said corporation shall in all respects be governed by the provisions of the said act.

Stock how to be subscribed

III. *And be it further enacted*, That the capital stock of the said company shall consist of one thousand shares, at twenty-five dollars each share; and that John Mastick, Asa Hickox and John A. Stevens, be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the said act; and that every person subscribing for stock in the said company in the books to be provided by the said commissioners, and his, her or their personal representatives, heirs and assigns, shall in law be bound to pay the amount of twenty-five dollars for each share so subscribed, at such times and places, and in such instalments, as the directors of the said company shall, by advertisement to be printed three weeks in one of the newspapers of the said county, require; and the said president and directors may maintain an action of debt or assumpsit against any person so subscribing, for the amount of such subscription aforesaid, and such subscriptions shall be deemed conclusive evidence of a good and lawful consideration for a promise to pay the amount thereof, any law, usage or custom to the contrary notwithstanding.

Rates of toll.

IV. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact, demand and receive of and from every person travelling on, or using the said road. at each gate or turnpike erected thereon, the following sums of money, but there shall not be more than two gates erected on the said turnpike: for every cart, waggon, or other wheeled carriage drawn by two horses, mules or oxen, twelve and an half cents, and six cents for each additional horse, mule or ox; for every cart, waggon, or other two wheeled carriage drawn by one horse or mule, nine cents; for every horse rode, led or driven, six cents; for every four wheeled pleasure carriage or waggon drawn by two horses, twenty-five cents, and six cents for each additional horse; for every sleigh or sled drawn by one horse, mule or ox, six cents, and for each additional

horse, mule or ox, six cents; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less number; for every score of sheep or hogs, eight cents, and in like proportion for a greater or less number; *Provided however*, That no wheeled carriage the tire whereof is six inches in width, shall be subject to toll on the said road.

V. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights and privileges, powers and immunities given and granted by the act herein before cited, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except as is herein otherwise enacted; and that this act shall be deemed and taken to be a public act, and shall be benignly and favorably construed in all courts whatsoever.

Privileges & restrictions.

CHAP. CXIX.

An ACT authorising James Le Ray De Chaumont to make a Turnpike Road in the County of Jefferson.

Passed March 31, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for James Le Ray De Chaumont, his heirs, executors, administrators and assigns, and he and they are hereby authorised to make a turnpike road from Cape Vincent, on the river St. Lawrence, on the most direct, eligible route to Perch river, at or near where the state road crosses the same, in the town of Brownville, in the county of Jefferson; the said turnpike to be called "The Cape Vincent turnpike road."

Cape Vincent turnpike incorporated.

II. *And be it further enacted*, That Elisha Camp, Musgrove Evans and Robert M'Dowel, or any two of them, be and hereby are appointed commissioners to designate the said point of beginning on the said road, and to survey and lay out the said road, according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, and the general interest of the public, shall be in the best manner effected, accurate maps of which survey shall be deposited and filed by the said commissioners in the office of the clerk of the said county of Jefferson.

Route to be designated.

III. *And be it further enacted*, That it shall be lawful for the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, after the route of the said road shall have been designated as aforesaid, to enter on and take possession of such quantity of land, not exceeding six rods wide, as shall be necessary for making the said road: *Provided always*, That he and they shall be liable to pay to the owners of the said land such value and damages (if compensation for the same be demanded within eighteen months after the route of the said road shall be so designated) as shall be assessed by two justices of the peace, and by the oaths of twelve freeholders, to be summoned on the warrant of the said

Possession to be taken of lands to n all the road.

Proviso.

justices, by any constable of the town where such lands shall be situate; and the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, shall cause the said road to be cut out, and cleared of trees and timber, not less than four rods wide; twenty feet of which shall be levelled, and faced with earth rising in the middle by a gradual arch, so as to form an even surface, and the stumps grubbed out; and where the ground shall be so soft as to require it, the same shall be bedded with stone, gravel, sound wood, or other hard substance, so as to secure a firm and solid foundation.

Road to be
examined
when finished.

Rates of toll.

Provided,

IV. *And be it further enacted*, That as soon as the said road, or any ten miles of it, shall be completed, the person administering the government of this state for the time being, on receiving notice thereof, shall forthwith nominate and appoint three discreet freeholders to view and examine the same, and shall, on their report that the said road, or any ten miles of it, is made conformable to the directions and provisions prescribed in and by the act entitled "An act relative to turnpike companies," passed 13th March, 1807, except in so far as is otherwise herein provided and enacted, authorise James Le Ray De Chaumont, his heirs, executors, administrators and assigns, to erect a gate or turnpike on the said road, on each and every ten miles so completed; and he and they shall then be authorised to appoint toll gatherers to collect and receive of and from all and from every person and persons using the said road, at each and every of the said gates so to be erected, the several tolls and duties following, that is to say: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage-waggon, chariot, coach, coachman, phaeton, curricule, or other pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, chaise or sulkey with one horse, twelve and an half cents, and for every additional horse, six cents; for horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, eight cents, and for every additional horse, ox or mule, four cents; for every sleigh or sled drawn by one horse, ox or mule, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents. And if there shall be a section of road less than ten miles, and exceeding four, it shall be lawful for the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to erect a gate or turnpike thereon, and to ask, demand, have and receive a rateable proportion of toll for the length of such section, compared with the distance of ten miles; and if such section be less than four miles, he or they may add to the toll hereby granted, a rateable proportion, according to the length of such section compared with the distance of ten miles: *Provided*, That nothing in this act contained shall be construed to entitle the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to demand or receive toll at any gate on the aforesaid turnpike road, of or from any person passing to or from public worship, or at a funeral, to or from a grist mill, for the grinding of grain.

for his family use, or to and from a blacksmith's shop to which he usually resorts, or from any person residing within a mile of any such gate, or from any person or persons who are entitled to vote, when going to or returning from any town-meeting or election for the purpose of giving a vote, or from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from a court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or from any person going to or returning from any training where, by the laws of this state, they are required to attend: *And* ^{Further proviso.} *provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or carriage passing upon the said road, the tire or track of the wheel whereof is six inches wide; nor more than one fourth of the above toll from those of nine inches wide; and all carriages the tire or track of the wheel whereof is twelve inches wide, shall pass the said road free, without paying any toll whatever; and that the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, shall cause to be affixed and kept up, at or over each gate, in some conspicuous place, where it can be conveniently read, a printed list of the rates of toll which may be lawfully demanded.

V. *And be it further enacted*, That the commissioners who may be employed under this act, shall be entitled to receive from the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, the sum of three dollars for every day they shall be so employed. ^{Allowance to commissioners.}

VI. *And be it further enacted*, That the said James Le Ray De Chaumont, his heirs, executors, administrators and assigns, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except in so far as is otherwise herein provided and enacted. ^{Rights, &c}

VII. *And be it further enacted*, That nothing in this act contained shall be so construed as to oblige the said James Le Ray De Chaumont, his heirs, executors, administrators or assigns, to build a bridge across the Chaumont river.

CHAP. CXX.

An ACT to incorporate the Montezuma Turnpike and Bridge Company.

Passed March 31, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Hezekiah Lord, Alfred Hovey, Peter Clarke, Smith Ward, and all such other persons as shall associate for the purpose of making a turnpike road, to begin at the dwelling house of Friend Barber, in Throopsville, in the town of Mentz, running from thence to the village of Montezuma, ^{Company incorporate}

Name and
style.

in the town of Mentz, in the county of Cayuga, and from the west side of the marsh lying along the border of Seneca river, opposite, or nearly opposite to the village of Montezuma aforesaid, to the village of Palmyra, in the town of Palmyra, in the county of Ontario, and their successors be, and they are hereby created a body corporate and politic, by the name of "The president, directors and company of the Montezuma turnpike and bridge company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answered and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased, shall not exceed in value twenty thousand dollars.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of two thousand shares, of fifty dollars each, and that Hezekiah Lord, Stephen Phelps and Daniel Kellogg be, and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "An act relative to turnpike companies," passed March 13, 1807.

Rates of toll.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of said road, the following sum of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, to wit: for every score of hogs or sheep, three cents; for every score of cattle, horses or mules, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse rode, led or driven, four cents; for every charriot, coach, coachee, phaeton, pleasure waggon or pleasure carriage, drawn by two horses, twenty-five cents; for every additional horse, six cents; for every cart drawn by one horse, six cents; for every stage, waggon or other four-wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, mule or ox, three cents; for every cart drawn by two oxen eight cents; and every additional yoke of oxen or pair of horses or mules, three cents; for every sled travelling the above road from the fifteenth day of December to the fifteenth day of March, in each year, one half of the tolls herein demanded for carriages for the transportation of burthens.

Rights, &c.

IV. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations

contained in the said general act, passed the thirteenth day of March, one thousand eight hundred and seven.

V. *And be it further enacted*, That it shall and may be lawful for the said company hereby incorporated, if they think fit, to cause to be laid out, worked and made, a turnpike road, from the east end of the bridge across the Owasco creek, at Throopsville aforesaid, to the village of Auburn, in the town of Aurelius, conforming in all things to the directions of the said act relative to turnpike companies, which when made shall be considered as belonging to, and forming a part of the turnpike road above mentioned.

A branch
may be made.

VI. *And be it further enacted*, That it shall and may be lawful for the said company hereby incorporated, to make a bridge or bridges and causeways and road, running from the point where the above mentioned turnpike shall stop in the village of Montezuma, across the Seneca river and marshes, in such direction as to intersect the above mentioned turnpike, on the margin of the marsh on the west side: *Provided*, The same shall be made and completed within five years from the passing of this act: *And provided also*, The said bridge shall not obstruct the passage of boats without masts.

Bridge or
causeway
may be made.

VII. *And be it further enacted*, That if the said bridge or bridges, causeways or road mentioned in the last section, shall be made and completed within five years, as aforesaid, that then it shall remain the property of the said company for the term of fifty years from the passing of this act, and the said company shall continue during that time a body politic and corporate, for that purpose, at the expiration of which time the said bridge or bridges, causeways or road, shall become the property of, and be vested in the people of this state: *Provided however*, That if the said bridge or bridges, causeways or road, after the same shall have been completed, shall at any time be impassable for the term of thirty days, then the said bridge or bridges, causeways and road, with their appurtenances, shall be forfeited and become the property of and be vested in the people of this state, unless the said causeways or road shall be so injured as to become impassable by the rising of the water, or the said bridge or bridges shall be destroyed by the ice, in which case, if the same shall be rendered passable or rebuilt within six months, they shall not become forfeited.

To be vested
in the company for 50
years.

Proviso.

VIII. *And be it further enacted*, That it shall and may be lawful for the said corporation to demand, receive and take, for the use of said bridge or bridges, causeways or road, a toll not exceeding the following rates, viz: for every four wheel pleasure carriage drawn by two horses, one dollar, if drawn by four horses, one dollar and twenty-five cents; every two wheel pleasure carriage drawn by one horse, fifty cents, and if drawn by two horses, sixty-two and an half cents; every waggon and two horses, fifty-six cents and one quarter, if drawn by four horses, seventy-five cents; each sled and horses, thirty-seven and an half cents; each ox cart and two oxen, fifty-six cents and one quarter, each other yoke of oxen, twenty cents; every one horse cart, twenty-five cents; every one horse sled, twenty-five cents; every ox sled drawn by one yoke of

Rates of toll.

oxen, thirty-seven and an half cents, every other yoke of oxen, twenty cents; every man and horse, twenty-five cents; every foot passenger, six cents; every horse, jack or mule, ten cents; every cow or other neat cattle, six cents; every sheep, hog or calf, one and an half cents; and it shall and may be lawful for any toll-gatherer to stop and detain any person riding, leading or driving any horses, cattle, sheep, hogs, sulkey, chair, phaeton, chaise, waggon, sleigh, sled, or other carriage of burthen or pleasure, from passing over the said bridge or bridges, causeways or road, until they shall have respectively paid the toll so to be allowed as aforesaid: *Provided however*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election for the purpose of giving a vote, or from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any person going to or returning from any training, where by the laws of this state he is required to attend.

Proviso.

No ferry to be kept within 3 miles of the bridge.

IX. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge, or establish any ferry or ferries within three miles of the place where the bridge or bridges and causeways or road aforesaid, shall be erected and built by the said company.

Damages to be paid.

X. *And be it further enacted*, That if the said bridge or bridges, causeways or road shall be laid out or made over or across the lands of any person or persons, the price which the said corporation shall pay for the same, or the damages which such owner or owners shall sustain thereby, shall be assessed, ascertained and paid in the manner pointed out in the third section of the act, entitled "An act relative to turnpike companies," passed March 13, 1807.

CHAP. CXXI.

An ACT to authorise the cession of the jurisdiction of certain lands in the northern and western counties of this state, to the United States, and to extend the powers of the commissioners appointed by the act, entitled "An act to cede the jurisdiction of certain lands in this state, to the United States," passed March 20, 1807.

Passed March 31, 1815.

Commissioners to cede lands.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the person administering the government of this state, the lieutenant-governor, the chancellor, the chief justice of the supreme court, the secretary of state, the attorney-general, and the surveyor-general, for the time being be, and they are hereby appointed commissioners, with full power to

them, or any four of them, whereof the person administering the government of this state for the time being, shall always be one in their discretion, as they shall judge the safety and defence of the northern and western frontiers of this state to require, and in such manner and form as they shall judge necessary and proper, to declare the consent of the legislature of this state that such parcels of land as shall be purchased by the government of the United States, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings in the several counties of this state adjacent to the northern and western bounds thereof, and which they shall from time to time, judge necessary for the purposes aforesaid, shall be subject to the jurisdiction of the United States, and thereupon the jurisdiction of the said lands shall be vested in the United States: *Provided however*, That such cession or cessions shall not exceed five hundred acres, in any one of the said counties: *And provided further*, That such cession or cessions shall not in any case extend, or be deemed or construed to prevent the execution of any process, civil or criminal, under the authority of this state.

Providing.

II. *And be it further enacted*, That the powers vested in the commissioners constituted by the act, entitled "An act to cede the jurisdiction of certain lands in this state, to the United States," passed March 20, 1807, be, and they are hereby extended to lands in the county of Westchester, and to lands covered with water within the bounds of said county: *Provided*, That cessions to be made by the commissioners in the said act authorised and appointed, shall be of such lands only as in their opinion shall be necessary for the defence and safety of the city and port of New-York.

Powers extended to lands in Westchester county.

III. *And be it further enacted*, That such declaration or declarations of the consent of the legislature of this state shall, in all cases, explicitly define, by accurate metes and bounds, the situation of the lands, the jurisdiction whereof shall be ceded in virtue of this act, which description shall be filed in the office of the secretary of this state, and such declaration or declarations may, in addition to the restrictions and limitations prescribed by this act and the act above referred to, contain such other limitations, restrictions and qualifications as the said commissioners respectively may deem expedient.

The lands ceded, to be accurately described.

CHAP. CXXII.

An ACT to incorporate the Richmond Turnpike Company.

Passed March 31, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons as shall associate themselves together for the purpose of making a good and sufficient turnpike road, in the most direct and practicable route from a point on the easterly side of Staten-Island, within one mile of the marine hospital or quarantine ground, in the county of Richmond, to the westerly shore of said Island, at such point on the said westerly shore as may be in the most direct line from the place of beginning, to the city of New-Brunswick, in the state of New-Jer-

Company incorporated.

sey, and a branch of said road in the most direct route to Amboy ferry, shall be, and hereby are created a body corporate and politic, by the name and style of "The Richmond turnpike company," and they are hereby declared a body corporate and politic, in fact and in name, and by the name and style aforesaid, they and their successors in office shall and may have perpetual succession, and are hereby declared to be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may make and use a common seal, and may alter the same at pleasure, and are also hereby declared to be capable in law of purchasing, holding and conveying any estate, real or personal: *Provided*, That such estate, as well real as personal, shall be necessary to fulfil the end and intent of said corporation, and shall not be employed or used for any other purpose whatsoever.

Stock. II. *And be it further enacted*, That the stock of said company shall consist of one thousand shares of twenty-five dollars each, and that John Garrison, William Mischeau, David Merserau, George W. Barnes and James Guion, junior, be and are hereby appointed commissioners to receive subscriptions for the said stock, pursuant to the act in such case made and provided.

Rates of toll. III. *And be it further enacted*, That the company hereby incorporated shall be entitled to one gate upon the road first above mentioned, and one gate upon the branch secondly above mentioned, and shall be entitled to exact and receive at each of the said gates the following rates of toll, from all persons travelling or using the said road or branch, to wit: for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, twelve and an half cents, and so in proportion for a greater or lesser number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse, five cents; for every sulkey, chair, chaise or pleasure waggon with one horse, fifteen cents: for every cart drawn by one horse, six cents; for every phaeton, charriot, coach, coachee or curricule drawn by two horses, twenty-five cents, and three cents for every additional horse; for every stage waggon or other four wheeled pleasure carriage not before enumerated, drawn by two horses, twenty-five cents, and three cents for every additional horse; for every common waggon or cart drawn by two horses, mules or oxen, six cents, and three cents for every additional horse, mule or ox; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and three cents for every additional horse, mule or ox.

Commissioners to lay out the road. IV. *And be it further enacted*, That the directors of said company shall, on application made to them for that purpose, by any person living in the county of Richmond, who has been a resident thereof for more than one year, to commute by the year with such person for passing any of the gates to be erected on the said road or branch, and in case they cannot agree upon the amount of such commutation, the first judge of the county of Richmond shall decide between them, and his certificate of such decision shall be conclusive between the parties as to the amount of commutation to be paid; and that it shall be lawful for the legislature at any future time to reduce the toll mentioned in this act, and from time to time to alter and amend the same at pleasure.

VI. *And be it further enacted*, That James Parker, of Amboy, in the state of New-Jersey, Daniel Kissam, of the county of Queens, in this state, and Tennis Schenck, of the county of Kings, be the commissioners to lay out the said road and branch in the most direct and eligible routes, and that they shall have all the powers and emoluments, and be subject to all the obligations and duties of commissioners appointed in pursuance of the act, entitled "An act relative to turnpike companies," and that the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, and shall be subject to all the conditions, provisions and regulations contained in the said act, except as is here-in otherwise provided.

V. *And be it further enacted*, That the commissioners for receiving subscriptions may give notice for choosing directors, and directors may upon such notice be chosen whenever two hundred and fifty shares of the stock shall have been subscribed.

That directors, when to be chosen.

CHAP. CXXIII.

An ACT to amend the act for incorporating the Stockholders of the Mount Vernon Glass Company.

Passed March 31, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the stockholders of the Mount Vernon glass company to elect the directors of said company from amongst any of the stockholders of said company, any thing in the act incorporating said company to the contrary notwithstanding ; and that so much of the act incorporating said company as directs that the shares of said company shall be divided into classes, and that the directors shall be chosen by classes, shall be and the same is hereby repealed.

CHAP. CXXIV.

An ACT relative to the town of Neversink, in the county of Sullivan.

Passed March 31, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the inhabitants of the town of Neversink, in the county of Sullivan, to hold their annual town meeting on the first Tueseday in April next, any law to the contrary notwithstanding.

An ACT for opening the Navigation between the head waters of the Seneca lake and the Chemung river.

Passed March 31, 1815.

Preamble. WHEREAS it has been represented to this legislature, that it is practicable to make a lock navigation within this state, between the head waters of the Seneca lake and the Chemung river, a branch of the Susquehannah, at or near the village of Newtown, in the county of Tioga: And whereas such an establishment would tend greatly to facilitate and increase the internal commerce of this state, and promote the convenience and prosperity of the people thereof: Therefore,

W. Mynderse and others incorporated. **Style.** **First directors.** 1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* Wilhelmus Mynderse, John Nicholas, Benjamin Dey, Samuel Colt, Frederick A. Dezen, Abraham Dox, Herman H. Bogart, Joseph Fellows, and all such other persons as shall associate with them for the purposes of this act, be and hereby are created a body corporate, in fact and in name, by the name of "The Seneca and Susquehannah lock navigation company," and by that name shall have perpetual succession, and may sue and be sued, defend and be defended, in all courts and places whatsoever, and may have a common seal, and may change the same at pleasure; and the affairs and business of said corporation shall be and hereby are entrusted to the management and direction of nine directors, to be elected in the manner hereinafter mentioned, five of whom shall constitute a quorum for the transaction of business; and the first directors shall be the following persons, to wit: Wilhelmus Mynderse, Abraham Dox, Samuel Colt, John Nicholas, Frederick A. Dezen, Vincent Matthews, Joseph Fellows, Herman H. Bogart and Reuben Swift, who shall hold their offices until the first Monday in September, in the year of our Lord one thousand eight hundred and seventeen, and until others shall be chosen in their stead; and the directors for said corporation shall thereafter be chosen annually, on the first Monday in September, at such place as the directors then in office shall appoint, by giving at least thirty days previous notice of such election, in a newspaper printed in the village of Geneva, and in such other newspaper as the said directors shall deem necessary; and the said directors shall appoint one of their number to be president of the board; and in case of his absence at any meeting of the said board of directors, a majority of the said directors present may appoint a president *pro hac vice*, but the said corporation shall not be dissolved by reason of not holding the said annual election in the manner herein provided for; and the said directors may provide for such omission for holding said election, by giving notice thereof as aforesaid. And if any vacancy shall occur in the board of directors at any time between such annual elections, such vacancy may be filled for the remainder of the year by the remaining members of the said board of directors; and any director so appointed, shall be invested with all the authorities of a member of said board, in the same manner as if he or they had been elected at an annual election as aforesaid.

II. *And be it further enacted,* That the capital stock of the said company shall consist of six thousand shares, of fifty dollars each ; ^{Stock.} and that Wilhelmus Mynderse, Frederick A. Dezing, Samuel Colt and Vincent Matthews be, and are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the capital stock of said company, in each of which said books shall be written as follows : " We whose names are underwritten, severally, for ourselves and legal representatives, promise to pay to the president, directors and company of the Seneca and Susquehannah lock navigation, fifty dollars for every share of stock set opposite to our respective names, at such times and in such proportions as the said president and directors shall require ;" and every subscriber shall, at the time of his subscription, pay to the said commissioners, or one of them, the sum of two dollars for each and every share so by him subscribed ; and it shall be lawful for the said president and directors to call for and demand payment of such further portion of said stock as in their judgment may from time to time be necessary, under the penalty of forfeiting their shares, and all previous payments made thereon, they giving at least sixty days notice in a newspaper printed at Geneva, and in such others as they shall deem necessary, of such requisition, and of the time and place when and where payable ; and it shall be the duty of such commissioners to keep the said books open for any person to subscribe, until the whole number of shares shall be subscribed ; and if a greater number than six thousand shares shall be subscribed, the said commissioners shall apportion the stock as near as may be among the subscribers, in proportion to their respective shares. The said commissioners shall deliver over to the said president and directors the subscription books when filled, or sooner if called for by them, and pay over all monies deposited on the subscriptions as aforesaid, to the said president and directors ; and every stockholder shall be entitled to as many votes as he shall have shares of stock in said corporation.

III. *And be it further enacted,* That the said president and directors shall have power to pass such by-laws, rules, orders and regulations for the well ordering the concerns of the said corporation as they shall deem necessary, provided the same shall not be contrary to the laws of this state or of the United States ; and the said corporation may purchase, hold and enjoy lands, tenements and hereditaments, goods, chattels and effects, or any estate, real or personal, provided the same shall be such only as is necessary to effect the objects of this act ; and the president and directors may convene special meetings of the stockholders, giving at least thirty days previous notice, by publication as aforesaid, of the time and place of such meeting : the said board of directors shall also have power to appoint such and so many officers, agents, clerks and superintendents, engineers, toll-gatherers, workmen, and other persons, as they shall deem proper, in and about the business and concerns of the said corporation, and to require and receive of and from them, their treasurer, or other persons in their employ, bonds, in sufficient penalties, with such sureties for the faithful discharge of their trust, as they may think necessary and proper. In the collection of toll under this act, the president and directors shall

By-laws how
to be made.

have power to discriminate between laden and empty vessels, and to regulate the toll accordingly ; and they shall, in their discretion, estimate the toll either according to the tonnage of vessels, or charge a specific toll on every article, provided the aggregate toll on particular articles shall not exceed, upon the weight of such articles, the toll authorised by this act.

Materials and
land to be used.

IV. *And be it further enacted*, That it shall be lawful for the said corporation to take and use any land or materials, whether under water or not, for the purpose of making the necessary locks, dams and canals ; and also to take and use twenty feet in width on each side of the locks and canals for towing paths, and also so much as may be necessary for lie-by places to receive boats while others are passing, and to erect the necessary toll-houses on, and for the erection of hydraulic works, and such other devices as the said corporation may deem necessary : *And further*, That it shall and may be lawful for the said president and directors, or any person or persons by them authorised, to enter into and upon any lands, whether covered with water or not, to procure stone, timber or earth necessary to build the said locks, dams, canals or other necessary works, and to keep the same in repair, and that without the leave or permission of the owner or owners, and to dig, trench and use the said lands, to construct the said canal and its embankments, and to keep the same in repair : *Provided always*, That the said corporation shall apply to the several owners of the lands upon which the dams, locks and canals may be intended to be erected, and of the several streams of water intended to be used and employed in such canals, and to agree with such owners respectively touching the compensations to be paid to them by the said corporation for the purchase thereof, and for their respective damages ; and in case of disagreement between the said corporation and the said owners, or any one of them, the corporation may, upon giving six days notice in writing to such owner or owners, apply to one of the judges of common pleas of the county in which such lands or streams are situated, to appoint three commissioners to appraise the damage of such owner or owners ; and thereupon the said judge of the said court of common pleas shall appoint three disinterested persons, being freeholders of the said county, to appraise the damages of such owner or owners ; and it shall be the duty of the said commissioners, before they shall take upon themselves the duties of their said office, to take and subscribe an oath before some magistrate, faithfully and impartially to ascertain and determine, according to the best of their skill and understanding, the amount or value of any land or other material which may be taken or deemed to be necessary to be used for such dams, locks or canals, and the amount of the damage or damages which such owner or owners may sustain, and to determine the value of such land or other material, and of the damage of such owner or owners respectively, and to make and return to the said court of common pleas an inquisition, under their hands and seals, or any two of them, ascertaining and determining the value of such land or other material, and the amount of the said damages, which inquisition shall be final and conclusive as to the amount of damages between said parties ; and the said corporation paying to the said several

owners of the said land, or other material, the several sums awarded by such inquisition, shall have and hold to their successors, during the continuance of this charter; the lands and tenements or other materials described therein; and it shall not be lawful for said corporation or their agents to enter upon such lands, and there make dams, locks and canals until they have paid the value of the same agreeable to the appraisement to be made as aforesaid, or agreed with the owners for the same.

V. *And be it further enacted*; That the said locks and canals constructed under this act, may be of such breadth as the said board of directors shall determine: *Provided*, That they shall not be less than twelve feet wide at the bottom of the base, nor any lock less than seventy feet long between the gates thereof: *And further*, That the toll-gatherers, or their deputies, under this act, may demand and receive from all boats or vessels, or for articles passing through the said locks and canals constructed by virtue of this act, such toll and rates for every ton weight of the ascertained burthen of such boats or vessels, and for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, planks or scantling, as the board of directors shall determine, provided the said toll in the whole shall not exceed four dollars for every ton of the loading of every such boat or vessel, and so in proportion for all timber, boards, planks, scantling, or other articles; but boats of less than one ton burthen shall pay the toll for a ton. *And further*, If any owner or supercargo of any boat or vessel shall request it, it shall be lawful for the toll-gatherer, and such owner or supercargo, each to choose one person to measure and ascertain the burthen of such boat or vessel, and thereon to mark the same, which said mark shall be evidence of the burthen, whereby the rate of toll for said boat or vessel shall be estimated; and if any such owner or supercargo shall decline or refuse to choose a person for the purpose aforesaid, then the said toll-gatherer may appoint one for him, and the said person so appointed shall have the same power and authority as if chosen by such owner or supercargo. *And further*, The toll-gatherers may stop and detain any boat or vessel, subject to and not paying such toll, until such toll shall be paid, or may distrain such boat or vessel, or so much of the cargo thereof as will be sufficient to pay the same, and after thirty days, to sell the same at public vendue to pay said toll, and the expenses of the said distress and sale, unless the said toll be sooner paid, and the overplus, if any there should be, to retain for the use of the said owner, after deducting all charges incident to the said seizure, detention, distress and sale: *And further*, If any person or persons shall wilfully do any act whereby any lock, canal, dam, gate, engine, machine or other thing thereto appertaining or belonging to any of the works, shall be injured or damaged, such offender or offenders shall pay fourfold damages, and costs, to the said corporation, to be recovered in any court having jurisdiction thereof, and shall moreover be deemed guilty of a misdemeanor, and punishable therefor by fine and imprisonment, or either, in the discretion of the court before whom the said offender or offenders shall be convicted: *And further*, That it shall be lawful for the said corporation to take the water which shall be contained within any lock, dam, pond, dyke, embankment or other

Dimensions
of the canal.

Rates of toll.

Penalties.

improvement made by the said corporation, and make use of the same either on their sole account, or in connection with any other person or persons not being a member or members of this corporation, for hydraulic works, and such other devices as may be erected or constructed by the said corporation, or to lease, let, grant and convey, for a limited time, the use of the water to any person or persons for any lawful purpose, so as not, however, to impede or obstruct the navigation; and the rents and profits resulting therefrom, to take and receive to and for the use and benefit of the said corporation, in addition to the tolls and profits herein before mentioned and allowed.

Part of a former law applicable to this corporation.

VI. *And be it further enacted*, That the rules and articles prescribed in and by the sixth section of the act, entitled "An act for the establishment and opening lock navigation within this state," excepting the first, second, fourth, fifth and eleventh articles thereof, shall form the fundamental rules of the corporation hereby created; and no person shall be eligible as a director who shall not be a freeholder, and a resident within this state at the time of his election. Dividends shall be declared and made once at least in each year, and twice, if the board of directors think proper; and no transfer of stock shall be made but in such manner as shall be prescribed by the board of directors.

Accounts to be rendered.

VII. *And be it further enacted*, That the said president and directors shall, within six months after the said locks and canals shall be completed, lodge in the office of the comptroller of this state, an account of the expences thereof; and that the said corporation shall so regulate their receipts and rates of toll at all times during their charter, that the amount of their receipts shall not exceed twelve per cent. over and above all necessary expenditures; and shall render to the comptroller an annual account of their receipts and expences.

This is a public act.

VIII. *And be it further enacted*, That this act shall be and is hereby declared a public law: *Provided however*, That the said locks and canals shall be completed within fourteen years from the passing of this act; and if the same shall not be completed within that time, this act, and every thing herein contained, shall cease and be void.

CHAP. CXXVI.

An ACT for the relief of George Caines, late reporter of this state.

Passed March 31, 1815.

Preamble.

WHEREAS George Caines, late reporter of the state of New-York, did report in the year one thousand eight hundred and four, and before he was appointed reporter, the cases decided in the supreme court of said state for that year; and whereas the said George Caines has lately published a revised edition as well of the reports of one thousand eight hundred and four, as of one thousand eight hundred and five, and one thousand eight hundred and six; in order therefore to compensate the said George Caines for the reports

of the year one thousand eight hundred and four, and for supplying the several counties of this state, including those created since he was reporter, with complete sets of his three volumes of said reports :

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to the said George Caines, eight hundred and fifty dollars, being the amount of one year's salary of a reporter, as authorised by law in the year 1805, and also the further sum of eighteen dollars for each set of the revised reports of the said George Caines, to be by him supplied to the eleven counties created since the year one thousand eight hundred and five : *Provided,* The said George Caines shall produce to the said comptroller the certificate of the secretary of this state, that he has deposited in his office one set of said volumes, for each and every county in this state.

850 dollars
to be paid to
G. Caines.

CHAP. CXXVII.

An ACT to appoint Commissioners to fix the site for a court-house and gaol in the county of Warren, and for other purposes.

Passed March 31, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That such three persons as his excellency the governor of this state shall designate for that purpose, be and they are hereby appointed commissioners for designating a place for a court-house and gaol in the county of Warren, as near the centre of the said county as circumstances will permit, and for that purpose the said commissioners shall, as soon as may be after the first day of June next, repair to the said county, and after exploring the same, ascertain and determine by writing under their hands, to be filed of record in the clerk's office of the said county of Warren, a fit and proper place therein for erecting the said building.

Commissioners
to fix the
site to be ap-
pointed.

II. And be it further enacted, That the said commissioners shall be allowed for their services, at and after the rate of four dollars per day, for each and every day they shall be employed in executing the trust reposed in them by this act, which allowance shall be levied and paid as part of the contingent charges of the said county of Warren, and the treasurer thereof is hereby required and directed to pay the same out of any monies in the treasury, an account of which he shall exhibit to the board of supervisors of the said county, at their next meeting thereafter.

Their pay.

III. And be it further enacted, That the supervisors of the several towns in the county of Warren, for the time being, or a majority of them, shall be, and they are hereby authorised and required to direct to be raised on the freeholders and inhabitants of the said county of Warren, at their next annual meeting, the sum of one thousand dollars, and at their next annual meeting thereafter, the

Money to be
raised.

further sum of two thousand dollars, for building a court-house and gaol in the said county, with the additional sum of five cents on each dollar for collecting the same, which sums shall be raised and collected in the same manner as the contingent charges of the said county are raised and collected.

Commission-
ers to super-
intend the
building.

IV. *And be it further enacted*, That the supervisors of said county of Warren shall, at their next annual meeting, appoint three discreet freeholders commissioners to superintend the building of the said court-house and gaol of the said county of Warren, at such place as shall be designated by the said commissioners so as aforesaid appointed, on such plan as the said commissioners, or a majority of them, may conceive best; and the said commissioners, or a majority of them, may contract with workmen, and purchase materials for erecting the said court-house and gaol, and shall from time to time, draw upon the treasurer of the said county for such sums of money for the purpose aforesaid, as shall come into the hands of the treasurer by virtue of this act; and the treasurer is hereby directed, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners, to account with the supervisors of the said county, for the monies which they shall have received from the treasurer, when thereunto required.

Use of the
buildings.

V. *And be it further enacted*, That the building to be erected for that purpose, at the place which shall be designated as aforesaid, shall be the gaol of the said county of Warren; and as soon as a majority of the judges of the court of common pleas of said county shall, either in term or vacation, determine that the said gaol is finished in such manner as to be safe for the confinement of prisoners, and shall have made a certificate thereof, and caused the same to be filed in the clerk's office, it shall be the duty of the sheriff of the said county to remove his prisoners either upon civil or criminal process, to such gaol, and to confine them therein, and such removal shall not be deemed an escape.

Land to be
purchased to
erect the
buildings on.

VI. *And be it further enacted*, That the supervisors of the said county of Warren, or a majority of them, are hereby authorized to purchase so much land as shall be necessary to accommodate the said buildings, at the place where the site thereof shall be established, not exceeding two acres, and to procure a good and sufficient conveyance thereof, in the name of the said supervisors and their successors in office for ever, in trust, for the sole use and benefit of the inhabitants of the said county, which conveyance shall, after being duly proven and recorded in the office of the clerk of the said county, be deposited in the said clerk's office for safe keeping, and the said supervisors are hereby authorised to pay for the said land out of the monies directed to be raised by virtue of this act.

Courts, how
to be held.

VII. *And be it further enacted*, That the judges and assistant justices of the said county of Warren, or a majority of them, shall be empowered, when in their opinion said court-house shall be sufficiently completed, to direct that the terms of the said court shall thereafter be held at the said court house, and that no process or proceeding whatsoever shall be vitiated or affected by such order.

CHAP. CXXVIII.

An ACT declaring the punishment of the crime of wilfully burning, or causing to be burnt, property insured.

Passed March 31, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That every person who shall wilfully burn any building, ship or vessel, or any goods, wares or merchandize, or other chattel, with intent or design to prejudice any person or persons, or body corporate that hath underwritten, or shall underwrite any policy or policies of insurance thereon, and every person who shall aid, abet, assist, counsel, hire or command any person to burn any building, ship or vessel, or goods, wares or merchandize, or other chattel, with intent or design to prejudice any person or persons, or body corporate that hath underwritten, or shall underwrite any policy or policies of insurance thereon, shall, upon conviction thereof, be punished with imprisonment for life in the state prison.

CHAP. CXXIX.

An ACT to encourage the destruction of Wolves.

Passed April 7, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That every person who shall kill any grown wolf within any county in this state, shall be entitled to a state bounty of twenty dollars, and for each wolf's whelp, seven dollars and fifty cents, to be paid in the first instance by the treasurer of the county in which such wolf or whelp shall be so killed, and by him charged in his account with the state treasury, which account the comptroller is hereby directed to allow; and further, he shall be entitled to the like bounty from the county in which such wolf or whelp shall be so killed, to be audited, allowed and paid, as other contingent county charges.

Bounty for killing a grown wolf.

II. And be it further enacted, That to obtain such bounty, the person killing such wolf or whelp, shall take the head thereof, the skin and ears entire thereon, to some justice of the peace of such county, and make oath of the time and place when and where such wolf or whelp was taken and killed, and by whom it was taken and killed, and shall also submit himself to such further examination, upon oath, concerning the taking and killing such wolf or whelp, as the said justice may require; and the said justice shall, thereupon, cut off and burn the ears of said wolf or whelp, and shall give the person so applying, a certificate thereof, and setting forth the substance of such oath and examination.

Proof to be exhibited.

III. And be it further enacted, That no bounty shall be paid to any person for taking and killing a wolf's whelp, unless it shall appear upon the examination of the person applying for such bounty.

ty, that the mother of such whelp was not taken before she brought forth such whelp.

IV. *And be it further enacted*, That if any person applying for a certificate as aforesaid, shall be guilty of wilful and corrupt false swearing in his examination, he shall be adjudged guilty of wilful and corrupt perjury, and shall upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

Penalty for giving false testimony.

CHAP. CXXX.

An ACT authorising the sale of lands on the Niagara river, and for other purposes.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the commissioners of the land office be, and they are hereby authorised, if in their opinion the interest of the state shall require it, to direct the surveyor-general to sell the whole or any part of the lands herein after mentioned, in the manner prescribed by an act for the sale of unappropriated lands, and for other purposes, passed April sixth, 1813, and in lots or tracts of such denominations as they may deem suitable and proper, to wit: all that tract owned by the people of this state lying near and adjoining the village of Lewiston, on the Niagara river, and also a triangular tract called the garrison lot, north of and adjoining the village of Black Rock, containing about one hundred and twenty acres, and all the unsold lands in and adjoining the villages of Lewiston and Black Rock; and the said commissioners are hereby authorised to make such alterations in the plan of the said villages of Lewiston and Black Rock as they may deem proper for the benefit of the state, and not inconsistent with the rights of individuals who have already purchased lots in the same: *Provided* the same shall not be sold in larger parcels than ten acres: *And provided also*, That public notice shall be given at least six months in each of the papers that publish the laws of this state, previous to such sale, and such sale shall not take place until one year after the passing of this act.

Certain lands to be sold.

Proviso.

II. *And be it further enacted*, That it shall and may be the duty of the said commissioners of the land office, if in their opinion the interest of the state shall require it, as soon as may be after the passing of this act, with the advice and consent of the governor of this state, to ascertain and fix on the most eligible site for military fortifications at or near Black Rock, and to locate and cause to be surveyed and set apart, such tract of the lands belonging to the people of this state, at or in the vicinity of Black Rock, as they may consider suitable for military purposes, which lands so set apart shall not be sold in virtue of the first section of this act.

A tract to be set apart for military purposes.

III. *And be it further enacted*, That the commissioners of the land office be, and they are hereby authorised and directed to lease to Benjamin Barton and Augustus Porter, the right of portage around the falls of Niagara, together with a suitable peice of land at each extremity of the said portage for four years, to commence on

the first day of June, one thousand eight hundred and seventeen, and end on the last day of May, one thousand eight hundred and twenty-one, on the same terms and conditions which are expressed in the lease of the same heretofore executed by the said commissioners to Joseph Annin and Benjamin Barton; the said Barton and Porter giving satisfactory security, that they will erect new store-houses and wharves of the description mentioned in Annin and Barton's lease before mentioned, in the place of those which have been recently destroyed by the enemy; which stores and wharves shall become the property of this state, at the expiration of the lease hereby directed to be granted.

Portage
round the
falls to be
leased.

IV. *And be it further enacted*, That the representatives of Orange Brace, deceased, by delivering to the surveyor-general, on or before the first day of May next, for the purpose of being cancelled, a certain lease of the ferry at Black Rock, executed by the said surveyor-general to the said Orange, on the nineteenth day of June, one thousand eight hundred and twelve, shall from thenceforth be exonerated and discharged from all the covenants therein contained; and, on cancelling the said lease, it shall be the duty of the surveyor-general to execute to Lester Brace, son of the said Orange Brace, deceased, for the benefit of the widow and children of the said Orange, a new lease of the said ferry, for five years, to commence on the first day of May next, together with the right to build a ferry-house on the military tract, in the place where the old ferry-house stood; and also the privilege of improving, during the continuance of the said lease, such part of the military tract, to be set off in pursuance of the first section of this act, as shall not be used for military purposes; the said Lester Brace paying to the state a yearly rent of fifty dollars, to commence on the first day of May, one thousand eight hundred and sixteen.

Ferry at
Black Rock
to be leased.

CHAP. CXXXI.

An ACT directing the Commissioners of the Land Office to Lease certain lands to Simeon G. Wilbur.

Passed April 7, 1815.

WHEREAS it is represented to the legislature of this state, by Simeon G. Wilbur, that he has discovered a mine of lead, at or near Moose river, in the county of Herkimer, on lands belonging to the people of this state: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land office, and they are hereby directed to lease to the said Simeon G. Wilbur, his heirs and assigns, for the term of twenty years, five hundred acres of land, to be located by the said Simeon G. Wilbur, on both sides of the said Moose river, in the county of Herkimer, in as near a square form as may be, so as to include the said mine of lead, with liberty to the said Simeon G. Wilbur, his heirs and assigns, to work the said mine for his own benefit, during the said term of years from the date of the lease,

to be given in pursuance of this act; and the said commissioners of the land office are hereby further directed and required to insert in the said lease the following conditions or proviso, that the said lease and all the rights the said Simeon G. Wilbur may acquire under it, shall become forfeited to the people of this state, unless the said Simeon G. Wilbur, his heirs or assigns shall, within two years from and after the passing of this act, prove to the satisfaction of the comptroller of this state that he or they have manufactured from the said mine at least one ton of lead, and also that the said lease shall become forfeited as aforesaid, in case the said Simeon G. Wilbur, his heirs and assigns, shall abandon the manufactory of lead at the said mine, and the same shall be wholly discontinued for the space of one whole year during the aforesaid term; and the said commissioners of the land office are also hereby directed and required to insert in the said lease a clause requiring the said Simeon G. Wilbur, his heirs and assigns, to account with the comptroller of this state, and to pay over to him annually, after the expiration of the three first years, one-twentieth part of the proceeds of the said lead mine.

CHAP. CXXXII.

An ACT to incorporate the Junius Turnpike Road Company.

Passed April 7, 1815.

Company incorporated.

Provided.

Stock.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That* Perin Granger, Luther Root, Daniel M'Neil, Asahel Bannister, William Hildreth, Zephas Havis, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the west end of the bridge across the outlet of the Cayuga lake, thence in the most direct route, as land and circumstances will admit, to the house of Asahel Bannister, in the town of Phelps, in the county of Ontario, and their successors and assigns, be, and they are hereby created, ordained, constituted and appointed a body corporate and politic, in fact and in name, by the name of "The Junius turnpike road company," and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes whatsoever, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided, That* such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

II. *And be it further enacted, That* the stock of the said company hereby incorporated shall consist of twelve hundred shares, of twenty-five dollars each; and that Henry Polhemus, David M'Neil, and Nathan Barlow be, and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies," passed the tenth day of April, 1813.

III. *And be it further enacted*, That the said company hereby incorporated shall not be entitled to erect and maintain more than two gates or turnpikes on the said road, which shall not be less than six miles apart; and shall be entitled to exact and receive at each of the said gates, for any number of miles not less than ten in length of the said road, the following rates of toll, and so in proportion for a less distance, from all persons travelling and using the said road, that is to say: for every waggon with two horses, twelve and an half cents, and every additional horse used in such waggon, three cents; for every one horse cart, six cents, and every additional horse, three cents; for every coach, four wheeled pleasure carriage or pleasure waggon drawn by two horses, twenty-five cents, and every additional horse, six cents; for every chair or pleasure carriage with one horse, twelve and an half cents, and for every additional horse, six cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, three cents; for every saddle or led horse, four cents; for every sled travelling the said road from the fifteenth day of December until the fifteenth day of March in each year, one half of the above tolls demanded for carriages for the transportation of burthens; for every score of cattle, six cents; for every score of sheep or hogs, three cents, and so in proportion for any greater or less number of cattle, sheep or hogs.

Rates of toll.

IV. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled, "An act concerning turnpike roads," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said recited act: *Provided*, That the said company shall be allowed three years from the passing of this act for completing the said road, any thing in the aforesaid general act to the contrary notwithstanding. *And provided further*, That the chord of the arch of the road hereby authorised to be made, shall not be less than twenty-two feet.

Rights, &c.

Proviso.

V. *And be it further enacted*, That David Southerland, John Price and Ira Selby, or any two of them, be, and they are hereby appointed commissioners to lay out and establish the said road.

Commissioners to lay out the road.

VI. *And be it further enacted*, That Elisha Johnson, William Barnet and Reuben Bardwell, or any two of them, be, and they are hereby appointed commissioners to lay out a road or public highway, at least four rods wide, beginning at the dwelling-house of Asabel Bannister, in the town of Phelps, in the county of Ontario, and running from thence on the best and most direct route through the village of Vienna, in the town of Phelps, and the village of Manchester, in the town of Farmington, to the meeting-house in the town of Victor, in the county of Ontario.

A public highway to be laid out.

VII. *And be it further enacted*, That when the said road shall have been so laid out, it shall be the duty of the said commissioners to file a map and precise description thereof, in the clerk's office of each town through which the said road shall pass, with their names subscribed thereto, and that it shall be lawful from thenceforth for the inhabitants of the respective towns to open and improve the said road; and each commissioner, for his services aforesaid, shall be allowed at the rate of two dollars per day for each and

Maps thereof to be filed.

every day they shall be necessarily employed in laying out said road; and it shall be the duty of the supervisors of the said county of Ontario to audit the accounts of the said expences in proportion to the time spent in said service in each of the said towns, and cause the same to be assessed and collected as part of the contingent expences of the said towns.

Damages how to be assessed. VIII. *And be it further enacted*, That if any part of the said road shall run through enclosed or improved lands, the damages shall be appraised and paid in the same manner as is directed in and by the act entitled "An act to regulate highways," to the said road shall be opened and kept in repair agreeable to the provisions of the act aforesaid.

CHAP. CXXXIII.

An ACT to alter the time of holding Town Meetings in the Town of Bern.

Passed April 7, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first of May next, it shall be lawful for the town of Bern to hold their town meetings on the first Tuesday of March annually; and that all such town officers whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday of February, to do and transact such business as to their respective offices may appertain.

CHAP. CXXXIV.

An ACT to divide the town of De Ruyter, in the county of Madison.

Passed April 7, 1815.

Georgetown erected. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the first Monday of March, in the year one thousand eight hundred and sixteen, all that part of the town of De Ruyter, known and distinguished as township number six, shall be erected into a separate town by the name of Georgetown; and that the first town-meeting shall be held at the now dwelling-house of John Holmes in said town.

II. *And be it further enacted*, That all the remaining part of the said town of De Ruyter shall be and remain a separate town by the name of De Ruyter; and that the first town-meeting shall be held at the place designated by the town clerk of said town.

Poor, &c. to be divided. III. *And be it further enacted*, That so soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid town shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by said town of De Ruyter, and the poor money belonging to the same previous to the division thereof, agree-

ble to the last tax list, and that each town shall forever thereafter support its own poor.

CHAP. CXXXV.

An ACT relative to the estate of George Cleland, deceased.

Passed April 7, 1815.

WHEREAS George Cleland, late of the city of New-York, deceased, died seized and possessed of certain real estate in the city of New-York, leaving no heirs being citizens of the United States. And whereas Thomas Lockhart, nephew of the said George Cleland, deceased, by petition in behalf of himself, and as attorney for the other relations of the said George Cleland, has prayed for relief in the premises : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all the right, title, claim and interest which this state now has in and to the lands, tenements or hereditaments of which the said George Cleland died seized and possessed, and the rents and profits thereof, whether by sale or otherwise, to which this state may now be entitled, shall be and hereby is vested in, and shall belong to and be enjoyed by the heirs and next of kin of the said George Cleland, that is to say, the real estate of which the said George Cleland died seized, shall descend to the person or persons who, by the law of descents of this state, would have inherited the same had he, she or they been native born citizens ; and the personal estate shall be distributed to the next of kin of the said George Cleland, according to the statute of this state regulating the distribution of intestate's estates, the alienage of the said heirs, or next of kin, notwithstanding.

II. *And be it further enacted,* That Thomas Lockhart be authorised and empowered to commence and prosecute all actions and proceedings in the law concerning the said lands, tenements or hereditaments, and the rents, profits and proceeds thereof, in his own name, as trustee for the other relations of the said George Cleland, deceased, above named ; and that upon the settlement of the said estate, he pay over to them, or their representatives, the amount of the shares or proportions respectively.

CHAP. CXXXVI.

An ACT vesting further powers in the Trustees of the Village of Newburgh.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the trustees of said village, or a majority of them, to direct a sum, not exceeding two thousand dollars, to be raised annually, for the purpose of supplying said village with pure and wholesome water, and for improving the said village, and defraying the con-

3000 dollars
to be raised
annually.

How to be assessed.

tingent expences thereof; which sum the said trustees shall cause to be assessed by the assessors of said village, upon all the property in said village, both real and personal, according to the value thereof; and the said assessors, after having made such assessment, shall certify the same in writing to the said trustees, which being ratified by the said trustees, or a majority of them, at a meeting of said trustees, shall be binding and conclusive upon the owners and occupants of land in said village who reside within the same; and also on the owners of lots within said village who are non-residents, living without the bounds thereof, and shall be a lien or charge on the real estate in such village on which it shall be assessed aforesaid, and the persons on whose property the tax aforesaid shall be assessed as aforesaid, shall be liable respectively to pay on demand the sums to them respectively assessed, to the collector of said village; and in default of such payment, or any part thereof, it shall be lawful for the said trustees, or any four of them, of whom the president of said village shall be one, by warrant under the seal of the said corporation, to direct the collector of the said village to levy the same by distress and sale of the goods and chattels of such person or persons refusing or neglecting to pay the said tax assessed to him or them respectively as aforesaid, together with the costs of collecting the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such person or persons, and the money, when collected or recovered, shall be paid by the said collector to the treasurer of said village for the use of said village, and subject to the order and direction of the trustees thereof, or a majority of them; and in case the person so neglecting or refusing to pay the said tax shall be a non-resident of said village, not having personal property therein, or in case the person so refusing or neglecting be a resident of said village, seized of real property therein, but not owning any personal property therein, or not sufficient to pay the said tax, with the expences of collection, then and in either of the said cases, it shall be lawful for the said trustees, by their warrant, issued in the manner aforesaid, to direct the said collector to levy the tax assessed on the real property of said non-resident, or of said delinquent resident, or so much thereof as shall remain due and unpaid, together with the costs of collecting the same, by sale of so much only of the real property of the said non-resident or delinquent resident, and for so long a time and no longer, as may be necessary to raise the said tax, and the costs of collecting the same: *Provided always*, That it shall be the duty of the trustees to give notice in a public newspaper printed in the county of Orange, of the time and place of said sale, for six weeks successively prior thereto, and also send a notice thereof by mail, directed to said non-resident, at least six weeks prior to the time of said sale.

Provide.

Licences to grocers.

Provide.

II. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, and their successors, annually, by writing under their hands and seals, to grant for the term of ten years hereafter, to the several grocers who shall reside in said village, and who shall apply for the same, a licence to retail strong and spiritous liquors under five gallons: *Provided always*, That the said trustees and their successors shall in no case receive a

greater sum for each and every licence so by them granted as aforesaid, than the sum of five dollars.

III. *And be it further enacted*, That each and every grocer shall, previous to or at the time of receiving said licence, appear before a justice of the peace of the county of Orange, and enter into a recognizance to the people of the state of New-York, in the sum of one hundred and twenty-five dollars, conditioned that such person will not, during the time that such person shall sell liquors as aforesaid, keep a disorderly house, or suffer or permit any cock-fighting, gaming, or playing with cards or dice, or keeping a billiard table, or other gaming table or shuffle board, or raffling, within said grocery.

Recognizance to be entered into by grocers.

IV. *And be it further enacted*, That the monies arising from licensing the grocers of said village as aforesaid, shall be applied by the said trustees to defray the expence of supplying the inhabitants thereof with pure and wholesome water, and improving the said village, and defraying the contingent expences thereof.

Monies how to be applied.

V. *And be it further enacted*, That it shall and may be lawful for the said trustees, and their successors in office hereafter, to appropriate annually, for the term of ten years, a sum not exceeding one hundred dollars, out of the monies directed to be raised by virtue of this act, towards improving any of the public highways in the said town of Newburgh, out of the said village, and which lead to the said village: *Provided*, That it shall and may be lawful for the said board of trustees to assess the freeholders and inhabitants of the said village liable to be assessed, to work on the public roads and highways in the said village, such number of days to each as the said board of trustees may deem reasonable and proper: *Provided* no person shall be assessed more than thirty days nor less than one day in any one year: *And provided also*, That it shall and may be lawful for the non-resident owner or owners of any lot or lots of ground sold by virtue of this act, or their legal representatives, to redeem the same at any time within two years after such sale, on application therefor to the said trustees, and paying the said tax so assessed, with the costs of the sale and collection, together with fourteen per cent. interest per annum on the amount of the tax and costs.

100 dollars to be appropriated for roads

Proviso.

Proviso.

CHAP. CXXXVII.

An ACT fixing the times and place of holding the courts of Common Pleas and General Sessions of the Peace of the county of Niagara, and for other purposes.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, there shall annually be held four terms of the courts of common pleas, and two of general sessions of the peace in and for the county of Niagara, which said terms of the common pleas shall commence on the first Tuesday in June, the third Tuesday of

Terms fixed and how held.

August and November, and the second Tuesday in February in each year; and the said courts of general sessions of the peace shall commence on the third Tuesday in August, and second Tuesday in February, in each year, and may severally continue till the Saturday in each week, unless the court shall adjourn on an earlier day; and that until a court-house shall be erected in and for the said county, the said several courts shall be held at such place in the village of Buffalo as a majority of the judges of the court of common pleas for the said county shall order and direct, of which place they shall give notice in the newspaper printed in the said county of Niagara, for at least four weeks previous to the commencement of the first term of the said court.

Writs, how to be returned.

II. *And be it further enacted*, That all writs and process returnable on the third Tuesday of June next, shall be returnable on the first Tuesday of June next, and be as valid and effectual to all intents and purposes as if returnable on the third Tuesday of June aforesaid.

Five years allowed to complete the Little Delaware turnpike.

III. *And be it further enacted*, That the time for completing the road of the Little Delaware turnpike road company be, and is hereby extended to five years after the passing of this act.

Rensselaer sheriff's fees, how to be computed.

IV. *And be it further enacted*, That hereafter in the county of Rensselaer the fees of the sheriff for mileage in serving any writ, execution, or other legal process, shall be computed from the court-house in the said county, to the place of service or caption, and not from the sheriff's place of abode, any former law to the contrary notwithstanding.

CHAP. CXXXVIII.

An ACT to amend the several acts relative to the Seneca Road Company.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the time limited by the several acts heretofore passed for the completing the north branch of the Seneca road be, and the same is hereby extended from the first day of November, one thousand eight hundred and fourteen, until the first day of November, one thousand eight hundred and sixteen.

II. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said Seneca road company to take and receive full toll upon that part of the north branch of said road which passes over the Onondaga reservation, any thing contained in the act, entitled "An act further to amend the act incorporating the Seneca road company," passed March 21, 1806, to the contrary notwithstanding.

CHAP. CXXXIX.

An ACT to incorporate the Throopsville Turnpike Company.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Daniel Kellogg, James Wilson, Charles I. Burnett, and all such other persons as shall associate for the purpose of making a turnpike road, to begin at the village of Skaneateles, in the town of Marcellus, and county of Onondaga, and running from thence to Throopsville, in the town of Mentz, and county of Cayuga, and their successors be, and they are hereby created a body corporate and politic, by the name of "The president, directors and company of the Throopsville turnpike company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said incorporation: *Provided,* That such estate, as well real as personal, so to be purchased, shall not exceed in value twenty thousand dollars.

Company incorporated.

Style and powers.

II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall consist of six hundred shares, of fifty dollars each, and that Daniel Kellogg, James Wilson, and Alexander Bidwell be, and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "An act relative to turnpike companies," passed March 13, 1807.

Stock.

III. *And be it further enacted,* That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for any number of miles, not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, to wit: for every score of hogs or sheep, three cents; for every score of cattle, horses or mules, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse rode, led or driven, four cents; for every chariot, coach, coachee, phaeton, pleasure waggon or pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every cart drawn by one horse, six cents; for every stage-waggon or other four-wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox, three cents; for every cart drawn by two oxen, eight cents, and every additional yoke of oxen, or pair of horses or mules, three cents; for every sled travelling said road from the fifteenth day of December until the fifteenth day of March, in each year, one half of the tolls herein demanded for carriages for the transportation of burthens.

Rates of toll.

Privileges,
 &c.

IV. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights and privileges, powers and immunities given and granted by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations contained in the said general act, passed the 13th day of March, 1807.

CHAP. CXL.

An ACT declaring certain waters public highways.

Passed April 7, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the waters of the Conawongo creek, from its junction with the outlet of Chetanque lake up to the forks of said creek; and the waters of Little Valley creek, from its junction with the Allegany river up to the parallel line between the third and fourth townships of the seventh range of the Holland land company's land; the waters of Great Valley creek, from its junction with the Allegany river up to the parallel line between the fourth and fifth townships of the fifth range of the said Holland land company's land; the waters of the Eighteen Mile creek, in the town of Hamburg, from its mouth up to the mills of John Cummings; and the waters of the Cayuga creek, from its junction with the Buffalo creek to the division line between the counties of Genesee and Niagara be, and the same are hereby declared public highway: *Provided however*, The owner or owners of the adjoining lands may erect mills or other water works, store-houses or docks on the said waters, so that the same shall not obstruct the navigation thereof: *And provided further*, That nothing in this act contained shall be construed to abridge any pre-existing private rights.

II. *And be it further enacted*, That if any person shall, after the passing of this act, dam up or obstruct the navigation of said creeks, by erecting or building any mill-dam, or by the building or erecting other works, or by the cutting or falling any timber in the same, every such person so offending, shall forfeit the sum of twenty-five dollars, to be recovered with costs of suit, by and for the use and benefit of any person who shall sue for and prosecute before any court authorised to try the same.

CHAP. CXLI.

An ACT to create a public and transferable stock, and to lay and collect additional taxes for the use of this state.

Passed April 7, 1815.

Loan.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the comptroller to borrow, on the credit of this state, from time to

time, as the demands on the treasury may render it necessary, a sum or sums, not exceeding in the whole one million six hundred thousand dollars, at a rate of interest not exceeding seven per centum per annum, payable quarter yearly; and it shall be his duty, as soon as the same shall be practicable, to borrow, in part of said amount, the sum of one million three hundred thousand dollars; and for this purpose, he shall cause subscriptions to said loan to be opened at such places in the cities of New-York and Albany, respectively, on the same day, as he may designate, to be kept open until the twentieth day of April instant; but no subscriptions for a less sum than two hundred dollars shall be received; and if the whole amount subscribed shall exceed the said sum of one million three hundred thousand dollars, the excess shall be deducted from the sums subscribed of more than five thousand dollars, in proportion to the amount of such sums respectively, leaving, if the same can be done, the subscriptions of five thousand dollars and under un-reduced; and the like rule as herein prescribed for the reduction of subscriptions in case of an aggregate excess, shall be observed in the reduction of subscriptions to such subsequent loans.

Subscriptions
how to be
opened.

II. *And be it further enacted*, That if the said sum of one million three hundred thousand dollars shall not be subscribed as aforesaid, that then the comptroller shall require the bank of America, and the city bank of New-York, to make up the deficiency by loans to the state, on the terms and conditions prescribed by the act, entitled "An act in addition to the act, entitled "an act to incorporate the stockholders of the city bank of New-York," and the act, entitled "An act relative to the bank of America," in just proportions, taking into view the sums they are respectively bound to loan to the state.

Deficiency,
how supplied.

III. *And be it further enacted*, That if the secretary of the treasury of the United States shall consent to receive treasury notes in payment of the composition, for the quota of this state of the direct tax of the United States, for the current year, to be paid by this state into the treasury of the United States before the first day of May next, it shall be the duty of the comptroller of this state to purchase treasury notes to an amount sufficient to make the said payment; or, if he cannot effect purchases in time to make the whole payment, then such part thereof as may be practicable, at the lowest prices at which he can procure the said treasury notes.

Treasury
notes

IV. *And be it further enacted*, That it shall be lawful to convert the debts now due from this state to certain banks, for loans, into a transferable stock, bearing an interest of six per cent. per annum, payable quarter yearly.

Debts due
to banks.

V. *And be it further enacted*, That each original owner or proprietor of any stock to be created in pursuance of this act, whether individuals or bodies corporate, shall be entitled to receive certificates, signed by the comptroller, and countersigned by the deputy comptroller, and sealed with the seal of the comptroller's office; and such certificate shall purport, in substance, as follows, viz: That the people of the state of New-York owe to such owner or proprietor of stock, whether an individual or body corporate, a sum to be expressed therein, not less, however, than two hundred dollars, bearing an interest of seven or six per centum per annum, as the case may

Purchasers
of stock to re-
ceive certifi-
cates.

be; the said interest to be payable quarter yearly, on the first Mondays of the months of January, April, July and October, and the said principal not to be redeemable until two years after the time of the loan for which such certificate was originally given, but shall be redeemable at the pleasure of the legislature, at any time thereafter, by instalments or otherwise.

Entries of
credits and
transfers to-
be kept by
the comp-
troller.

VI. *And be it further enacted*, That it shall be the duty of the comptroller, to enter in proper books, to be by him provided and kept for that purpose, credits to the respective holders of stock for the sums to which they shall be respectively entitled; to transfer the said credits, or any part thereof, from time to time, as shall be requisite, and to see to the regular payment of the interest, as the same shall become due, either by drawing warrants on the treasurer in favor of the stockholders respectively, or in case it shall be found that the convenience of the stockholders shall render it necessary that the interest, instead of being paid by warrants in favor of each stockholder immediately on the treasurer, be paid in the banks in which the state deposits are kept; it shall be his duty to place in the bank of state deposits, in the city of New-York, a list of the stockholders resident in the southern district of this state, and out of this state, and in the bank of state deposits, in the city of Albany, a list of all the other stockholders; such lists to be in the proper form, to have regular receipts taken for the said interest, and shall at the same time draw on the treasurer in favor of the cashiers of the said banks respectively, for the amount of interest payable at each, and the said lists shall remain at the said respective banks for eight successive weeks; and if any interest shall remain unpaid on said lists, at the expiration of that time, the same shall be payable only at the treasury.

Transfers,
where to be
made.

VII. *And be it further enacted*, That the said stock shall be transferable only at the office of the comptroller, by the proprietor or proprietors of said stock, his, her, or their attorney, for that purpose duly authorised.

Comptroller
to buy the
stock.

VIII. *And be it further enacted*, That until the said stock shall be redeemable, it shall be the duty of the comptroller, whenever there shall be any unappropriated monies in the treasury, to apply the same to the purchase of said stock, provided he can purchase that bearing seven per cent. interest, at or below par, or the nominal value thereof, and that bearing six per cent. interest, at a rate equally advantageous to this state.

Stock, when
redeemable.

IX. *And be it further enacted*, That within seven years after the expiration of said two years, this state will, upon the request of the holder of any such stock, redeem the same.

Transfers,
when to be
made.

X. *And be it further enacted*, That the transfers of said stock shall only be made during the two first months in each quarter, and agreeably to such rules and forms as shall be prescribed by the comptroller.

Banks may
subscribe.

XI. *And be it further enacted*, That it shall be lawful for any bank within this state, to subscribe to the loan directed to be opened as aforesaid, and from time to time to sell and dispose of any stock created in pursuance of this act, and held by such bank, any clause, matter or thing, in the act incorporating the same, notwithstanding.

XII. *And be it further enacted*, That in addition to the tax-<sup>An addition-
al tax to be
levied.</sup> es directed to be raised in and by the act, entitled "An act authorising the laying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes," there shall be raised, levied and collected, in the year one thousand eight hundred and seventeen, and every year thereafter, until the whole of the stock created by this act, shall be purchased, redeemed or paid, a tax of two mills on the dollar of the valuation of the real and personal estates within this state; and said tax shall be raised, levied and collected, in the manner in which the taxes authorised by said act, entitled "An act authorising the laying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes," are directed to be raised, levied and collected.

XIII. *And be it further enacted*, That the expence of certificates of stock to be issued in pursuance of this act; of the books<sup>Certain ex-
pences to be
paid.</sup> to be provided for keeping the accounts of the stock, and of the transfers thereof, shall be paid by the treasurer on the warrant of the comptroller.

XIV. *And be it further enacted*, That the comptroller shall, before the first day of May next, cause to be paid to the United<sup>U. S. tax
when to be
paid.</sup> States, the quota of this state of the direct tax of the United States for the current year, on the conditions, and agreeably to the provisions of the act of Congress of the ninth of January, one thousand eight hundred and fifteen.

CHAP. CXLII.

An ACT apportioning the Members of Assembly of this State according to the rule prescribed by the constitution.

Passed April 8, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the number of members of Assembly to be chosen in each of the counties of this state shall be as follows, to wit: in the city and county of New-York eleven,<sup>Members of
assembly ap-
portioned.</sup> in the county of Suffolk three, in the county of Queens three, in the county of Kings one, in the county of Richmond one, in the county of Westchester three, in the county of Rockland one, in the county of Orange four, in the county of Putnam one, in the county of Dutchess five, in the county of Columbia four, in the counties of Ulster and Sullivan four, in the county of Delaware two, in the county of Greene two, in the city and county of Albany four, in the county of Schenectady two, in the county of Montgomery five, in the county of Saratoga four, in the county of Rensselaer five, in the counties of Washington and Warren five, in the county of Essex one, in the counties of Clinton and Franklin one, in the county of St. Lawrence one, in the county of Lewis one, in the county of Oneida five, in the county of Jefferson two, in the county of Herkimer three, in the county of Madison three, in the county of Otsego five, in the county of Schoharie three, in the county of Chenango three, in the county of Cortland one, in the county of Broome one, in the

county of Tioga one, in the counties of Allegany and Steuben two, in the counties of Chautauque, Cattaraugus and Niagara two, in the county of Seneca three, in the county of Genesee three, in the county of Ontario seven, in the county of Cayuga four, in the county of Onondaga four.

Returned in
certain coun-
ties how to
be made.

II. *And be it further enacted*, That until other legislative provisions be made in the premises, the electors of the said counties of Ulster and Sullivan shall give their votes for the said four members of Assembly in the same manner as if the said county of Sullivan was part of the said county of Ulster; and the electors of the said counties of Washington and Warren shall give their votes for the said five members of assembly in the same manner as if the said county of Warren was part of the said county of Washington; and the electors of the said counties of Clinton and Franklin shall give their votes for the said one member of assembly in the same manner as if the said county of Franklin was part of the said county of Clinton; and the electors of the said counties of Steuben and Allegany shall also give their votes for the said two members of assembly in the same manner as if the said county of Allegany was part of the said county of Steuben; and the electors of the said counties of Niagara, Chautauque and Cattaraugus shall give their votes for the said two members of assembly in the same manner as if the said counties of Chautauque and Cattaraugus were part of the said county of Niagara: And the clerks of the respective counties of Sullivan, Warren, Franklin, Allegany, Chautauque and Cattaraugus, shall, within fourteen days after the time appointed for the inspectors of the several towns in the counties respectively, for delivering to them the certificates of the number of votes given in such towns for each candidate for the assembly, deliver, or by a sworn deputy cause the said certificates to be delivered, at the clerk's office of the said counties of Ulster, Washington, Clinton, Steuben and Niagara, to the clerks of the said counties respectively, who shall calculate the same, together with the votes given in their respective counties, within ten days after the time hereby limited for the delivery of the certificates aforesaid, and shall then, from the whole of the certificates delivered to him, determine the persons duly elected by the greatest number of votes, as members of assembly for the said counties of Washington and Warren, of Ulster and Sullivan, of Clinton and Franklin, of Steuben and Allegany, and of Niagara, Catteraugus and Chautauque, respectively, and shall proceed therein as is directed by the act for regulating elections.

CHAP. CXLII.

An ACT authorising the Treasurer of the County of Ontario to pay a certain sum of money to the order of the building committee of the new jail of said county.

Passed April 8, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the treasurer of the county of Ontario to pay to the order of Septimus

Evans, John Price and Roger Sprague, any money in the treasury of said county, not exceeding six thousand dollars, not otherwise appropriated, for the purpose of building and completing the new jail in the said county of Ontario.

II. *And be it further enacted*, That the said Septimus Evans, John Price and Roger Sprague, shall account with the board of supervisors of said county of Ontario for all monies received by them for the purpose of building the said jail, as soon as the same shall be completed.

CHAP. CXLIV.

An ACT authorising the President, Directors and Company of the Bank of Utica to establish an Office of Discount and Deposit in the Village of Canandaigua, in the county of Ontario, and for other purposes.

Passed April 10, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company of the bank of Utica, at any time after the passing of this act, to establish an office of discount and deposit in the village of Canandaigua, in the county of Ontario, under such rules and regulations as shall be prescribed by the said bank of Utica, and to commit the management thereof to not less than one president and twelve directors, to be appointed by the said president, directors and company of the bank of Utica: *Provided*, That the rules and regulations to be prescribed to the said office of discount and deposit in the village of Canandaigua be not contrary to or inconsistent with the provisions of the act entitled "An act to incorporate the stockholders of the bank of Utica."

A branch of the Utica bank may be established in Canandaigua

II. *And be it further enacted*, That it shall and may be lawful for the president, directors and company of the bank of Ontario, at any time hereafter, to establish a branch of the said bank of Ontario at Utica, and to have and exercise the same powers and privileges in relation to such branch as are by this act granted to the president, directors and company of the bank of Utica; and that no notes of either of the said banks shall be issued at the respective branches, excepting such as shall be countersigned by their respective cashiers, and the same shall then be considered as payable on demand at the offices of the said branches respectively; and that the management of the concerns of said branches respectively shall be committed to not more than one president and twelve directors for each branch, to be appointed by the president and directors of the banks of Ontario and Utica respectively, and to be always appointed within the respective towns of Canandaigua and Utica, or their adjacent towns: *Provided*, That the presidents and directors of the said banks respectively shall erect such offices of discount and deposit in one year after the passing of this act.

A branch of the Ontario bank may be established in Utica.

CHAP. CXLV.

An ACT to amend an act entitled "An act for regulating elections," passed March 29, 1813.

Passed April 11, 1815.

Certificates of freedom to be produced by blacks or mulattoes.

I. *Be it enacted by the people of the state of New-York, re-*
presented in Senate and Assembly, That whenever any black or mulatto person shall present himself to vote at any election in the city and county of New-York, he shall produce to the inspection conducting such election, such a certificate of his freedom as is herein after required, under the hand of the mayor or recorder of the city of New-York, or of the register in and for the city and county of New-York.

Proof of freedom made by affidavit.

II. *And be it further enacted,* That it shall and may be lawful for every black or mulatto person within the city and county of New-York to make and exhibit proof, by affidavit or otherwise, before said register, or before the mayor or recorder of the city of New-York, of his freedom, the place of his birth, his age, the time when he became free, as nearly as the same can be ascertained, the length of time he has resided in said city, the street and number of the house (if there be any number to the same) in which he resides, whether he is a freeholder possessing a freehold of the value of twenty pounds within said city and county, or rents a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state; and provided the said mayor, recorder or register be of opinion that the facts hereby required to be proved are true, he shall certify the same in writing, and shall also state the stature of the person applying for the certificate; and it shall be the duty of the said black or mulatto person to cause the said proof to be filed, and the certificate of the said mayor, recorder or register to be entered on record in said register's office, who shall certify upon the same that it is entered; and such certificate, or a certified copy thereof, with the certificate of registry, shall be required to be produced at all such elections; and unless such certificate, or certified copy thereof, be produced, no black or mulatto person shall be permitted to vote at any such election.

Penalty for refusing certificates.

III. *And be it further enacted,* That if the said mayor, recorder or register shall wilfully and corruptly refuse such certificate as aforesaid, when the person applying for the same is entitled thereto by the evidence produced, or shall unduly delay the same, he shall forfeit and pay for each offence the sum of two hundred and fifty dollars, to be recovered with costs of suit, by any person suing for the same, in any court having cognizance of such suit.

Affidavit to be delivered to the register 5 days before election.

IV. *And be it further enacted,* That every black or mulatto person shall be required at least five days before the commencement of any such election, to deliver in to the said register, in writing, an affidavit, stating the street and number of the house, (if there is a number to the same) in which his freehold, or tenement which he rents, is situated, the ward in which he was assessed, and the time, as near as he can ascertain the same, in which he paid taxes, which shall be signed and sworn to by such black or mulatto person; and provided he shall fail so to do, he shall not be per-

mitted to vote at any such election, provided he is challenged as being unqualified, unless he shall prove to the satisfaction of the inspectors of such election, that he is in all respects qualified to vote, by the oath of one or more credible witnesses : And further, it shall be the duty of the register of the said city to provide a book for each of the wards of said city, in which the names of all such persons shall be forthwith entered alphabetically, together with the other facts hereby required to be stated in the said affidavit, which books shall be at all times open to public inspection, and shall, before the commencement of the election, be delivered to the inspectors respectively for the ward for which they are made out ; and the persons whose names are entered, shall vote in the ward in which their names are registered as residing, and no other ward.

V. *And be it further enacted*, That the officer taking the proof of freedom, shall be entitled, as a compensation for the same, to fifty cents ; for giving such certificate, the further sum of twenty-five cents, to be paid by the person applying for the same ; and the register, for entering their names, &c. as is before required, six cents, and for filing such proof and recording such certificate, shall be entitled to such fees as are usual for like services. Fees allowed

VI. *And be it further enacted*, That the said register be and hereby is authorised to administer any oath required by this act ; and if any person shall be guilty of wilful or corrupt swearing or affirming prescribed by this act, every such person shall be adjudged guilty of wilful and corrupt perjury ; and every person who shall wilfully and corruptly procure to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury, and shall, on conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury. Penalty for false swearing.

VII. *And be it further enacted*, That so much of the act entitled " An act for regulating elections," passed March 29, 1813, so far as relates to the city and county of New-York, and is inconsistent with the provisions of this act, be and the same is hereby repealed. Part of a former law repealed.

VIII. *And be it further enacted*, That any black or mulatto person who has already obtained a certificate of his freedom in pursuance of the act entitled " An act for regulating elections," shall not be required to produce a certificate in pursuance of the provisions of this act, to entitle him to vote at the election to commence on the last Tuesday of April, one thousand eight hundred and fifteen, provided he shall deliver to the register of the city and county of New-York an affidavit in pursuance of the fourth section of this act, at least five days before the commencement of said election. Former certificates sufficient.

IX. *And be it further enacted*, That it shall be lawful for said mayor, recorder or register, on application by any black or mulatto person, to issue a summons, requiring any person residing within said city and county to appear and make affidavit of all such matters and things as he or she may know concerning the freedom of such black or mulatto person, and of any of the other matters required to be proved by the second section of this act ; and whenever any person shall refuse to appear and make affidavit in pursuance of such summons, a warrant shall issue from such mayor, re- Persons may be summoned to make affidavit.

corder or register to compel his or her attendance; and if on his or her appearance, he or she shall refuse to make affidavit or affirmation, as the case may require, of the facts which may be within his or her knowledge, touching the matters to be inquired into, he or she may be committed to the common gaol of the said city and county, there to remain without bail or mainprize for a term not exceeding one calendar month.

CHAP. CXLVI.

An ACT to protect the fishing in Hudson's river, and to prevent obstructions in the navigation thereof.

Passed April 11, 1815.

Net-nets not
to be used.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That from and after the first day of June next, it shall not be lawful for any person or persons whatsoever, to make use of any set nets or weirs for catching fish in any part of Hudson's river, between the city of New-York and Baker's falls, other than hoop-nets, fikes or set-nets, constructed with buoys, which buoys shall not exceed four feet in length, and two feet in diameter, and that such hoop-nets or fikes, shall and may hereafter be used only on the flats, and along the flats and along the shores, and out of the channel of the said river, and not elsewhere; nor shall the same be used in any such places as have heretofore been occupied or used for the purposes of drawing seat.

Poles not to
be set in the
river.

II. *And be it further enacted,* That if any person or persons whatsoever, shall, after the first day of June next, set, drive, or place any poles, stakes or timber, in any part of Hudson's river, between the places aforesaid, for the purpose of fastening or attaching any net or nets thereto, other than such as are permitted to be used in and by the first section of this act, or shall for any purpose whatever, set, drive, or place any poles, stakes or timber in the bed or waters of the said river, other than such poles or stakes as may be necessary in fishing with the said hoop-nets or fikes, whereby the navigation thereof shall or may in any wise be obstructed or endangered, every such person or persons shall be deemed guilty of a public offence, and shall for every such offence forfeit the sum of fifty dollars, to be recovered with costs of suit, by and to the use of any person who will sue for the same to effect, in any court having cognizance thereof; and every person so offending, shall, moreover, be liable to pay all damages occasioned to individuals in consequence of the setting, driving, or placing any such poles, stakes or timber, in the bed or waters of the said river.

Poles not al-
ready, to be
removed.

III. *And be it further enacted,* That any person or persons who may have set, driven or placed any poles, stakes or timber, in the bed or waters of the said river, before the passing of this act, whereby the navigation thereof is, shall or may be in any wise obstructed or endangered, shall, on or before the first day of June next, cause the same to be removed, and in default thereof, shall be deemed guilty of a public offence; and shall, moreover, for every such

pole, stake or stick of timber so set, driven or placed, and which shall not be removed by the day limited for that purpose, forfeit and pay the sum of fifty dollars, to be recovered with costs, and applied in like manner as is directed in and by the second section of this act.

IV. *And be it further enacted*, That it shall not be lawful for any person or persons to fish with seines, or to set, draw, or raise any sort of nets in any other part of Hudson's river, or in the waters of this state, at or below the city of New-York, after the setting of the sun on Saturday in each week, until the rising of the sun on the Monday following, during the Months of March, April and May, in each and every year, nor in any manner to fish on Saratoga or Fort Miller falls, at any time during the said months, except on Monday, Friday and Saturday, in each and every week.

Seins and
nets not to be
drawn at
certain times

V. *And be it further enacted*, That from and after the first day of of June next, no person or persons shall, during the months of March, April and May, in each and every year, under any pretence whatsoever, set or place, or cause to be set or placed, any fike, net, gill-net, hoop-net, set-net, or any other net or weir, by means of any hedge, stake, stone, post, pole or anchor, in any of the waters of this state, at or below the city of New-York, to extend into the channels of the same, or to any greater distance from the shore in other places, than twenty rods from the ordinary low water mark: *Provided*, That nothing herein contained shall be construed to authorise the setting or placing of any hedges, stakes, hoop-nets, gill-nets, set-nets or fike-nets, between the place commonly known by the name of Rock-Hald or the shore of New-Utrecht, and the point of Coney-Island, on the eastern shore, where seines are now usually drawn.

Nets, &c. not
to be set in
the months of
March, April,
and May.

Proviso.

VI. *And be it further enacted*, That no person or persons shall use or employ, at any time during the months of March, April and May, any drift-net whatsoever, within the said waters; and any person who shall violate the provisions of this or either of the two preceding sections of this act, shall be deemed guilty of a public offence, and shall for every such offence, forfeit the sum of fifty dollars, to be recovered with costs of suit, by and to the use of any person who shall sue for the same to effect, in any court having cognizance thereof.

Drift-nets not
to be used.

VII. *And be it further enacted*, That the act, entitled "An act to regulate the fishing with set-nets in Hudson's river, and to prevent obstructions in the navigation thereof," passed 20th March, 1807, and the act, to amend the same, passed 24th March, 1809, be, and the same are hereby repealed.

A former law
repealed.

CHAP. CXLVII.

An ACT for raising money to build the bridge across the Rondout creek, at Rosendall, in the county of Ulster.

Passed April 11, 1815.

WHEREAS it is represented to the legislature, that the bridge across the Rondout creek, at Rosendall, in the county of Ulster, is

Preamble.

so much decayed as to require to be immediately rebuilt, and the expence thereof would be too oppressive on any one town : Therefore,

Money to be
levied.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the supervisors of the county of Ulster, at their next annual meeting, shall cause to be assessed, levied, collected and paid into the treasury of the said county, the sum of two thousand dollars, in addition to the other county rates, together with the additional sum of five cents on each dollar for collecting the same, which sum shall be, and hereby is appropriated for rebuilding the bridge at the place aforesaid, or immediately above the fording place near the house of George Davis, whichever the commissioners hereinafter named shall judge and determine to be most eligible for the site, and for a convenient road to and from the same.

Commission-
ers.

II. *And be it further enacted,* That Wessel Broadhead, Abraham Hasbrouck and Simeon Depuy, shall be commissioners, whose duty it shall be, with all convenient speed, to agree upon the site for the said bridge, and the same to cause to be rebuilt after such plan as they, or a majority of them, shall think best calculated for the public interest; and they, or a majority of them, are hereby authorised to contract with any person or persons for erecting the same, or for procuring any of the materials necessary for the said bridge; and it shall be the duty of some of the said commissioners to superintend the building of the said bridge; and for every day's necessary attendance of a commissioner, in the said business of a commissioner, he shall be entitled to and receive at the rate of two dollars per day, which account shall be audited and settled by the board of supervisors of said county.

They shall
give bond.

III. *And be it further enacted,* That the said commissioners, before they shall enter on the duties hereby assigned, shall execute a joint or separate bond or bonds, to the supervisors of said county, conditioned for the faithful discharge of the duties imposed on them by this act; and the treasurer of the said county is hereby required to pay over any of the monies hereby appropriated for erecting the said bridge, on the order or orders of the said commissioners, or a majority of them; and the said commissioners shall be, and hereby are authorised to borrow any sum or sums not exceeding the said sum of two thousand dollars, on the faith of the appropriation aforesaid, from any person or body corporate, for the purpose aforesaid, until the monies hereby authorised to be raised shall be received into the treasury of the said county; and the said commissioners are hereby required to account to the supervisors of the said county for all monies which shall come to their hands by virtue of this act.

CHAP. CXLVIII.

An ACT for the relief of the Columbia Manufacturing Society.

Passed April 11, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the assessors of the town of Kinderhook, at their next annual session, shall make a new valuation of the real estate of the Columbia manufacturing society, situate in that town, and that they shall exclude from such valuation all the machinery and other fixtures in the buildings of the said Columbia manufacturing society.

II. *And be it further enacted,* That the stockholders of the said Columbia manufacturing society, shall not be assessed in their individual capacities for their stock, as is provided in the forty-second section of the act, entitled "An act for the assessment and collection of taxes," passed April 5th, 1813, except only as to the excess, after deducting a fair and full proportion of the amount of assessment on their real property by the assessors of Kinderhook, pursuant to the directions contained in the first section of this act.

CHAP. CXLIX.

An ACT relative to Taxes and Assessments in the City of New-York.

Passed April 11, 1815.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial, represented that a compliance with the law requiring taxes and assessments in the said city to be registered in the office of the register in and for the said city, would be not only very expensive, but also altogether unnecessary, and have therefore prayed that the said law may be repealed. And whereas the said prayer appears reasonable: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the one hundred and sixty-second, and one hundred and sixty-third sections of the act entitled "An act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813, so far forth as the same relate to any assessment, tax, charge, debt, duty or demand whatsoever, in favor of or payable to the mayor, aldermen and commonalty of the city of New-York, be and the same hereby are repealed.

CHAP. CL.

An ACT to amend the act, entitled "An act to perpetuate the testimony of witnesses in certain cases."

Passed April 11, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the

officers authorised to take the examination of witnesses, by virtue of the act, entitled "An act to perpetuate the testimony of witnesses in certain cases," to make an order for the appearance of any such witness before any justice, judge or master mentioned in said act, other than the justice, judge or master before whom the affidavit on which the proceedings are grounded shall be made; and the justice, judge or master before whom any such witness shall be ordered to appear, shall proceed in the premises in all other respects as is directed by the act hereby amended.

CHAP. CLI.

An ACT making certain alterations in the map or plan of the city of New-York.

Passed April 11, 1815.

Preamble.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial, represented to the legislature, that the expence of opening the public place laid out in the said city, by the commissioners appointed in and by an act of the legislature, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," called Union Place, will be extravagantly great, and much beyond the advantage which would arise from opening the same, and have accordingly prayed that the same may be discontinued, as hereinafter specified, and that the Broadway may not be carried further northwardly than Tenth-street, and have further represented that the public place laid out by the said commissioners, called Market Place, is larger than is necessary, and have prayed that the same may be reduced as hereinafter also is specified: And whereas the prayer of the said memorial appears proper to be granted: Therefore,

Union Place altered.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the public square or place designated on the said map or plan, made and published by the aforesaid commissioners, called Union Place, shall be altered in the manner following that is to say: the Broadway shall not be extended or continued over or across the same; the fourth avenue shall be extended southwardly from Sixteenth-street, and continued in a straight line to Bloomingdale road, and the streets designated on the said map or plan, as Eleventh-street, Twelfth-street, Thirteenth-street, Fourteenth-street and Fifteenth-street, shall be extended eastwardly from the Bloomingdale road, through the said land which by the said plan was intended to form a part of the said Union Place, and shall be respectively continued in a straight line so as to meet and unite with the said Eleventh-street, Twelfth-street, Thirteenth-street, Fourteenth-street and Fifteenth-street respectively, at the Bowery; and all that certain part of the said place, designated on the said map or plan by the name of Union Place, which is bounded north-westwardly and westwardly by the said fourth avenue so continued as aforesaid, and by the Bloomingdale

road, eastwardly by the Bowery, and southwardly by the Tenth-street, shall cease to be or be deemed to be a public square or place.

II. *And be it further enacted by the authority aforesaid, That the Broadway shall not be continued northwardly from the Tenth-street to the Twenty-third-street, as is contemplated by the said commissioners and designated on the said map or plan, but that on the contrary the said Broadway shall stop at the northerly side of the said Tenth-street, and all and singular the land over which the Broadway would have run, and which would have formed that street from Tenth-street to the Twenty-third-street, except the part of the said land required for Eleventh-street, Twelfth-street, Thirteenth-street, the Bowery, Fourteenth-street, Fifteenth-street, Sixteenth-street, Seventeenth-street, Eighteenth-street, Nineteenth-street, Twentieth-street, Twenty-first-street and Twenty-second-street, respectively shall become part of the blocks or plots of ground through which the said Broadway would have run according to the said plan.*

III. *And be it further enacted by the authority aforesaid, That the block or plot of ground which is on the said map or plan bounded southwardly by Thirteenth-street aforesaid, eastwardly by the third avenue, and northwardly by Fourteenth-street aforesaid, shall extend to and be bounded westwardly by the Bowery; and that the block or plot of ground which is on the said map or plan bounded southwardly by Fourteenth-street aforesaid, eastwardly by the third avenue, and northwardly by Fifteenth-street aforesaid, shall extend to and be bounded westwardly by the Bowery and the fourth avenue, and that the streets designated on the said map or plan as Fourteenth-street, shall be extended westwardly from the eastwardly side of the Broadway as now designated on the said map, to the Bowery; and the street designated on the said map or plan as Fifteenth-street, shall be extended westwardly from the easterly side of the Broadway to the said Bowery.*

IV. *And be it further enacted by the authority aforesaid, That the public square or place designated in the said map or plan, by the name of the Market Place, shall be reduced and altered in the manner following, that is to say: the avenues designated on the said map or plan by the names of avenue A, avenue B and avenue C, shall be extended and continued northwardly from Seventh-street through the said land which by the said plan was intended to form a part of the said Market Place, so as to meet and unite with the said avenue A, avenue B and avenue C, respectively, at Tenth-street; and the streets designated on the said map or plan, by the names of Seventh-street, Eighth-street, Ninth-street and Tenth-street, shall be extended eastwardly from the avenues designated on the said map or plan by the name of first avenue, through the said land which by the said plan was intended to form part of the said Market Place, and shall be respectively continued in a straight line to the said avenue C, so as aforesaid extended and continued.*

V. *And be it further enacted by the authority aforesaid, That the several and respective owners and proprietors of the lands and tenements which shall be included in the blocks or plots of ground formed or to be formed by the extension of the several streets and*

Market Place
Alterations:

Owners and
proprietors
included
in the blocks
and plots of
ground to be
formed by
the extension.

The owners and proprietors fronting the Bowery to be united and connected with the blocks therein mentioned.

Owners of land over which Broadway would have run, shall have, hold, &c.

avenues which by this act are directed to be extended as aforesaid and the several and respective owners and proprietors of the lands and tenements fronting on the Bowery, and which by the third section of this act are directed to be united and connected with the blocks or plots of ground therein mentioned; and the several and respective owners and proprietors of the lands over which the said Broadway would have run, and which would have formed the street from Tenth-street to Twenty-third-street, according to the map or plan of the said commissioners, except as is excepted in the second section of this act, shall have, hold, occupy, possess and improve the same in the same manner that they would have been entitled to do if the said commissioners had not included such lands and tenements in the said Market Place, Union-Place and Broadway, but had laid out the said Market-Place and the lands in the vicinity of the said Union Place, in the manner designated by this act.

Damage estimated and assessed.

VI. *And be it further enacted by the authority aforesaid,* That the public square or place called Market Place, and the streets and avenues which are in and by this act directed to be extended and continued, shall be opened, and the damage and benefit estimated, assessed and paid in the same manner as the same would have been done if the said square or place, and the streets and avenues had been laid out by the said commissioners in the manner directed by this act.

CHAP. CLII.

An ACT relative to Public Squares and Places in the City of New-York.

Passed April 11, 1813.

Preamble.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial to the legislature, prayed, for the reasons therein contained, that the act to reduce several laws relating particularly to the city of New-York into one act, passed April 9th, 1813, may be amended in the manner hereinafter specified. And whereas such prayer appears proper to be granted: Therefore,

Powers of the commissioners of estimate and assessment extended.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That whenever and as often as commissioners may hereafter be appointed by the supreme court of judicature of this state, or by any one of the justices thereof, under and by virtue of the one hundred and seventy-eighth section, or one hundred and eighty-seventh section of the act hereby amended, for the purpose of opening any or either of the public squares or places (other than and except the streets and avenues) laid out by the commissioners of streets and roads in the city of New-York, under and by virtue of the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807, or any or either of the said public squares or places, as altered by the legislature, the said commissioners of estimate and assessment shall not.

in making their estimate and assessment of the value of the benefit and advantage of such public square or place, be confined to the lands, tenements, hereditaments and premises fronting thereon and lying within half the distance of the next street or avenue there-to from the same on each side thereof, but on the contrary thereof, after having made their estimate and assessment of the loss and damage over and above the benefit and advantage, and of the benefit and advantage over and above the loss and damage, and of the equality of the benefit and advantage to the loss and damage, as the case may be, to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises so required for the purpose by and in consequence of opening such public square or place, the said commissioners shall proceed to make a just and equitable estimate and assessment of the value of the benefit and advantage of such public square or place so to be opened by the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises lying out of the limits of such public square or place, and which the said commissioners may deem to be benefitted by such public square or place, in respect to the respective estates and interest of such owners, lessees, parties and persons respectively so entitled to or interested in such said lands, tenements, hereditaments and premises so deemed benefitted thereby : And the said commissioners shall and may extend their said assessments to any such lands, tenements, hereditaments and premises as they may deem to be benefitted by the opening of the said public square or place, notwithstanding such said lands, tenements, hereditaments and premises may be situated without and beyond half the distance of the next street or avenue thereto from such said public square or place, on any side thereof.

II. *And be it further enacted*, That no such assessment as is directed in and by the one hundred and eighty-fifth section of the act hereby amended, shall be made after the confirmation of the report of the commissioners, in cases of the opening of such public squares or places as aforesaid, but all the excess and balance of the sums or estimates of compensation and recompence that may be reported by the said commissioners in favor of the respective persons and parties entitled thereto, and of the expences and charges of the estimate and assessment and report that may be made in the premises, and all other expences, disbursements and charges in the premises over and above the amount of the sums or assessments which may be assessed by the said commissioners upon the persons and parties, lands and tenements, for the benefit of such public square or place, shall be borne and paid by the mayor, aldermen and commonalty of the city of New-York, without any such assessment and collection as is directed in and by the said one hundred and eighty-fifth section of the said act.

Certain expences to be paid by the corporation.

III. *And be it further enacted*, That the said commissioners shall in all things, except as above mentioned, proceed in the execution of the duties of their appointment in manner directed in and by the act hereby amended ; and the report to be made by them shall, except as aforesaid, be made in the manner specified by the said act, and the like proceedings shall be had as to the deposit of

Commissioners how to proceed.

the said report in the clerk's office of the city of New-York, and notice thereof, and the confirmation of such report by the court, or the reference back to the same commissioners, or to new commissioners, as are prescribed in and by the said act.

Sections of a former act applicable to opening public squares, &c.

IV. *And be it further enacted*, That all and singular the provision of the act hereby amended, as to the conclusive effect of the report, the rights accruing to and liabilities imposed upon the corporation of New-York thereupon, and all and every the other provisions contained in the one hundred and seventy-seventh, one hundred and seventy-eighth, one hundred and seventy-ninth, one hundred and eightieth, one hundred and eighty-first, one hundred and eighty-second, one hundred and eighty-third, one hundred and eighty-fourth, one hundred and eighty-sixth, one hundred and eighty-seventh, one hundred and eighty-eighth, one hundred and eighty-ninth and one hundred and ninetieth sections of the said act shall be, and they are hereby declared to be applicable to the opening of any public square or place in the city of New-York, excepting only that the commissioners appointed for that purpose shall not be confined in their estimate and assessment of benefits to any limit or limits whatsoever, and excepting also that the damages awarded by the said commissioners, and the expences, disbursements and charges in the premises shall be borne and paid by the mayor, aldermen and commonalty of the city of New-York, out of the amounts or sums that may be assessed by the said commissioners upon the parties and persons, lands and tenements deemed by them benefitted by the opening of such public square or place, so far as such amounts or sums assessed may extend, and the surplus of such damage, expences, disbursements and charges shall be defrayed out of the city treasury.

CHAP. CLIII.

An ACT concerning distresses for Rent in the City and County of New-York.

Passed April 11, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That no landlord or person entitled to distrain for rent, shall distrain the goods of any person or persons whatsoever within the said city and county for such rent, unless such person or landlord, or his bailiff, agent or receiver shall, before making or causing such distress to be levied, make an affidavit before a justice of the peace, or other magistrate in the said city and county, authorised by law to administer oaths, stating the amount due for such rent, and file such affidavit in the office of the clerk of the said city and county; and that any landlord, or other person, wilfully swearing falsely in making such affidavit, shall be deemed guilty of, and liable to the pains and penalties of wilful and corrupt perjury.

CHAP. CLIV.

An ACT authorising the Corporation of New-York to erect Ferry-Houses of wooden materials within the said City.

Passed April 11, 1815.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial presented to the legislature, prayed that they may be authorised to construct ferry-houses of wooden materials within part of the said city within which buildings are required to be constructed with brick or stone. And whereas it does not appear to the legislature that any inconvenience or danger will arise from granting the prayer of the said memorialists: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the mayor, aldermen and commonalty of the city of New-York be, and they hereby are authorised to cause such wooden buildings as they may deem proper for ferry-houses to be constructed upon the wharves or streets adjoining any or either of the present or future ferries from the said city to Long-Island, Staten-Island or New-Jersey, any law to the contrary thereof in any wise notwithstanding.

CHAP. CLV.

An ACT for the more effectual prevention of Fires in the City of New-York.

Passed April 11, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all dwelling-houses, store-houses, and other buildings which, from and after the passing of this act, shall be built or erected in the city of New-York, that is to say, within that part of the said city to the northward of the point of the battery, and included between the said point of the battery and a line beginning upon the East river, opposite Montgomery-street, thence through Montgomery-street to Cherry-street, thence down Cherry-street to Catharine-street, thence through Catharine-street to Chatham-street, thence down Chatham-street to Pearl-street, thence through Pearl-street to Broadway, thence up Broadway to Anthony-street, thence through Anthony-street to Hudson-street, thence down Hudson-street to Jay-street, and thence through Jay-street to Hudson's river, including also the lots of ground on the northerly and easterly sides of the said streets through which the above mentioned line runs, and including also the lots of ground fronting on both sides of the Broadway, between Pearl-street and Canal-street, shall be made and constructed of stone or brick, with party or fire walls rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles: *Provided* such flat do not exceed two fifth parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.*

Buildings
how to be e-
rected in cer-
tain parts of
the city.

Proviso.

Penalty for building contrary to this act.

II. *And be it further enacted*, That if any dwelling-house, store-house, or other building whatsoever, shall be erected or roofed contrary to the preceding section of this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling-house, store-house, or other building, contrary to the said section, whether he be proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred and fifty dollars, to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in the same manner as the monies raised by tax for the maintenance of the poor of the said city are by law directed to be applied; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

Buildings erected after the passing of this act between certain bounds, &c. shall not be included in the 1st sec.

III. *And be it further enacted*, That all dwelling-houses, store-houses, and other buildings whatsoever which, after the passing of this act, shall be built or erected within the said city, that is to say, within that part of the said city situate between the above mentioned line and a line beginning at the North river at a place called Deklyne's ferry, a little to the northward of the state-prison, and running thence easterly in front of the new banking houses to the road commonly called the Sandy-hill road, and through the said road to the northward of Potter's field and the house of William Neilson, to the Bowery, and across the Bowery to a street commonly called Stuyvesant-street, and through the middle thereof to the East river, (and which shall not be included within the first section of this act) and which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be more than thirty feet, or of more than two stories, shall be made and constructed of stone or brick, with party or fire walls rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles: *Provided* such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.

Proviso.

Buildings erected contrary to the last sec. proprietors shall forfeit 400 dollars.

IV. *And be it further enacted*, That if any dwelling-house, store-house, or other building whatsoever, shall be erected or roofed contrary to the last preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of four hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling-house, store-house, or other building, contrary to the said last preceding section, whether he be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof; and when recovered, shall be appropriated by the common council of the said city in manner aforesaid; and no such ac-

tion or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

And the more effectually to prevent the erection of any dwelling-house, store-house, or other building, within the said city contrary to this act,

V. *Be it further enacted*, That every such dwelling-house, store-house, or other building which, after the passing of this act, shall be erected or roofed within the said city contrary to this act, shall be deemed a common nuisance; and the justices of the supreme court, and the justices of the courts of oyer and terminer and general-gaol delivery, and the justices of the courts of general sessions of the peace shall, within the said city, have cognizance of such offences, and are hereby enjoined and required in all and every of the charges hereafter to be made and given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to inquire into and to present all offences against this act; and the court to which an indictment or presentment shall be preferred for such offence, shall be and hereby is empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted in the usual manner of prosecutions, and upon conviction to adjudge such fines and penalties as they in their discretion shall think fit and proper; and also, in their discretion, to cause such nuisance to be abated and removed.

Buildings erected contrary to this act deemed nuisances.

VI. *And be it further enacted*, That if any dwelling-house, store-house, or other building already erected, and now covered with boards or shingles, within the said city, southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietors to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act, any thing herein contained to the contrary notwithstanding,

Certain buildings may be roofed with shingles.

VII. *And be it further enacted*, That all roofs, steeples, cupolas and spires of churches, and other public buildings, may be covered with boards and shingles; and all privies not exceeding ten feet square and fifteen feet in height, and all fire-engine houses of the corporation, and all lime houses which shall be erected by the express permission of the corporation, may be built of wood and boards, and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Steeple and cupolas, &c.

VIII. *And be it further enacted*, That the fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "An act to reduce several laws relating particularly to the city of New-York into one act," passed April 9, 1813, be, and the same hereby are repealed: *Provided however*, That such repeal shall not affect any suit or prosecution commenced, or penalty or offence incurred or committed previous to the passing of this act, but every such suit or prosecution may lawfully proceed, and every such penalty or offence be demanded, prosecuted, recovered or punished, as the case may be, as if the said sections of the said act had remained in full force.

Parts of a former law repealed.

An ACT altering the time of electing Charter Officers in the city of New-York.

Passed April 11, 1815.

Election to be on the last Tuesday in April. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the anniversary election for the charter officers to be chosen in and for the city of New-York, shall commence on the last Tuesday of April, in every year; and that all such elections shall be notified, held and conducted by the same inspectors, in the same manner, with the like powers, and during the same number of days, as the election for members of assembly of this state, any thing contained in an act, entitled "An act to reduce several laws, relating particularly to the city of New-York, into one act," passed April 9th, 1813, to the contrary notwithstanding.

First elections, when held. II. *And be it further enacted,* That the several charter officers to be chosen in and for the said city, at the first anniversary election to be held in pursuance of this act, and to commence on the last Tuesday of April instant, shall respectively be sworn into and commence the duties of their respective offices, on the first Monday of December next, and shall and may continue to hold and enjoy their respective offices, and discharge the duties appertaining thereto, until the second Monday of May then next ensuing, and no longer; and the said charter officers to be chosen at the said election, shall accordingly be deemed and considered as chosen for and during the term of time above mentioned, that is to say: from the first Monday of December next, until the second Monday of May then next ensuing, and no longer: *Provided always, and be it further enacted,* That at the said election to commence on the last Tuesday of April instant, no collector shall be chosen in any of the wards of the said city, but that the several collectors chosen in the said city at the last anniversary election held therein, shall hold their respective offices from the first Monday of May next, until the second Monday of May, in the year one thousand eight hundred and sixteen: *And provided also, and be it further enacted,* That for the purpose of the said election to commence on the said last Tuesday of April instant, three days notice of the time and place when and where the said election is to be held, to be given in the manner prescribed in and by the fifth section of the said act, entitled "An act to reduce several laws, relating particularly to the city of New-York, into one act," shall be held sufficient, any thing in the said act contained to the contrary notwithstanding.

Provide.

Provide.

Officers, when sworn. III. *And be it further enacted,* That the several charter officers to be chosen in and for the said city, at the several anniversary elections which shall be held in said city, after the present year, shall be sworn into and commence the duties of their respective offices on the second Monday of May next ensuing such election, in each year.

CHAP. CLVII.

An ACT to amend an act, entitled "An act relative to the court of Probates, the office of Surrogate, and the granting of administrations."

Passed April 11, 1815.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial to the legislature, prayed, for the reasons set forth in the said memorial, that they may be authorised to appoint a fit and proper person to be the administrator of the goods, chattels and credits, of certain intestates: And whereas the said prayer appears proper to be granted: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall and may forthwith after the passing of this act, nominate and appoint, under the common seal of the said city, a discreet and competent person, to be called the public administrator in the city of New-York, who shall hold his office during the pleasure of the common council; and that from and after the making of such appointment, whenever any person shall die intestate, within the city and county of New-York, or when any person not resident within this state, shall die intestate, leaving goods and chattels within the city and county of New-York, whether such intestate shall die within this state or not, and the widow, or next of kin, residing within this state, shall not apply within thirty days after such citation, as is hereinafter directed, to the surrogate of the said city and county, or judge of the court of probates, as the case may be, for the administration of the goods, chattels and credits of the deceased, such administration shall be granted to the public administrator, for the time being, and his successors in office, who shall take the oath, by law appointed to be taken by such administrators, and shall give bond, but without sureties, for the due administration of the said goods, chattels and credits, in the form directed by the tenth section of the act hereby amended.

II. *And be it further enacted,* That it shall be the duty of the surrogate of the city and county of New-York, before granting administration to the said public administrator, to issue a citation to the widow and next of kin, to the intestate, summoning them to appear and shew cause, why such administration should not be granted, which citation shall be served on the widow and next of kin of the intestate, if to be found in the city of New-York, and if not to be found in the said city, then a copy of such citation shall be published in two of the public newspapers printed in the city of New-York, and shall be continued daily in the said newspapers until the expiration of thirty days, unless the widow or next of kin shall, by application for administration, render it unnecessary to continue the publication thereof so long: and further, that the expence of said citation and publication, shall be paid by the person to whom administration shall be granted, out of the estate of the intestate.

III. *And be it further enacted,* That the mayor, aldermen and commonalty of the city of New-York, shall in all cases be respon-

Corporation
of N. York to
be responsi-
ble for the
administration.

sible for the due administration of such goods, chattels and credits by the said public administrator; and further, that such administration shall be subject to be revoked, upon the application of the widow, child, father, brother, or sister of the deceased, if such application be made within three calendar months after the same shall have been granted, and the balance, if any, due to the said administrator, be first paid.

His accounts
to be exhibited
annually.

And to be
published.

IV. *And be it further enacted*, That the said public administrator shall, once in every year, at such time as the said mayor, aldermen and commonalty may appoint for that purpose, exhibit to them in common council convened, a statement of his receipts and expenditures, by virtue of such administrations respectively, which statements shall be published in at least two of the public newspapers printed in the said city, for the information of all whom it may concern; and it shall be lawful for the said public administrator, in the accounts of the said administrations, to charge and retain a commission of five per cent. upon his receipts over and above his reasonable expences, in and about the said administrations respectively: *Provided however*, That in all cases where such receipts shall exceed the sum of two thousand five hundred dollars, the said public administrator shall charge and retain the said commission of five per cent. on the sum of two thousand five hundred dollars; and the commission of two and an half per cent. on all sums beyond the said two thousand five hundred dollars.

Balances re-
maining un-
claimed, how
disposed of.

V. *And be it further enacted*, That if any balance of any such intestates estates shall remain in the hands of the public administrator, above eighteen months after the committing of administration as aforesaid, the amount thereof shall be published in at least two of the public newspapers printed in the said city, for eight weeks successively, and all persons having any claims upon such estates, shall be notified to exhibit the same, with evidence in support of it, within six months thereafter; and after the expiration of the said six months, the said public administrator shall pay such balance as may remain unclaimed, to the said mayor, aldermen and commonalty, who shall be answerable for the same, but without interest, to such persons as shall thereafter appear to be entitled to the same, if any shall appear; and in the mean time, all such sums so paid to the said mayor, aldermen and commonalty, shall be by them applied towards the support of the poor of the said city.

Measures to
be taken to
guard estates
from waste.

VI. *And be it further enacted*, That upon the death of any person intestate, not leaving a widow or next of kin, within the said city, or when the public administrator shall not know that the widow or next of kin is resident in the said city, it shall and may be lawful for the said public administrator to take such measures as he shall think proper for guarding and securing the property and effects of such intestates from waste and embezzlement, until administration shall be granted as aforesaid, the expences whereof shall be paid, or retained by the said administrator, in preference to any debts whatsoever, and immediately after the funeral charges of the intestate are discharged.

VII. *And be it further enacted*, That it shall be lawful for the common council of the said city, to remove from office any per-

son appointed public administrator, as aforesaid, at their pleasure; and in manner aforesaid, from time to time, to fill the vacancy occasioned by such removal, or by death, or by resignation. Administrator may be removed.

VIII. *And be it further enacted*, That the seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of the act hereby amended, and the twenty-ninth section of the act, entitled "An act to reduce several laws, relating particularly to the city of New-York, into one act," passed April 9th, 1813, be and the same are hereby repealed, from and after the appointment of the public administrator as aforesaid: *Provided however*, That such repeal shall not affect any act done, right accrued, or suit commenced previous to the appointment of such public administrator: *And provided also*, That the chamberlain of the city of New-York shall proceed in the administration heretofore committed to him, or to be committed to him previous to the appointment of such public administrator as aforesaid, in the same manner as though this act had not been enacted. Parts of former acts repealed.

IX. *And be it further enacted*, That any person who may be sued, for any thing done by virtue of this act, relative to the estate of any person dying intestate within the city and county of New-York, or of any person resident during his life time out of this state, leaving goods and chattels within the said city and county, may plead the general issue, and give this act, and the special matter, in evidence. Privileges of persons affected by this act.

CHAP. CLVIII.

An ACT relative to Bastard Children in the city of New-York.

Passed April 11, 1815.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, by their memorial to the legislature, have represented that the commissioners of the alms-house and bridewell of the city of New-York, as the overseers of the poor of the said city, have for many years past been in the practice of accepting from putative fathers of bastard children, a sum of money in gross, to meet the expence of maintaining such children, instead of requiring from such father the security to indemnify the city, which the existing laws contemplate; and that such arrangements are made under an agreement that the commissioners should not demand from the father the payment of any further sum, if the expence of the support and maintenance of the child should exceed the sum paid, nor on the other hand, should refund any portion thereof, if such expence should fall short of the sum so paid; and have further represented, that such compromises and arrangements have been of advantageous tendency, but that doubts are entertained of the legality thereof, and have accordingly prayed that the legislature should sanction such as have been heretofore made, and should give the commissioners of the alms-house the requisite authority to make them in future: And whereas the prayer of the said memorial appears reasonable and proper to be granted: Therefore, Preamble.

Compromises may be made for maintaining bastards.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such compromises and arrangements as are above mentioned, which have been heretofore made and entered into, shall be, and the same hereby are ratified and confirmed.

Powers of the commissioners of the almshouse & bridewell.

II. *And be it further enacted,* That the commissioners of the almshouse and bridewell of the city of New-York, or any two of them, be, and they hereby are, from time to time, and at all times hereafter, authorised to make such compromises and arrangements with the putative fathers of bastard children in the said city, relative to the maintenance and support of such children, as they the said commissioners, or any two of them, shall deem equitable and proper.

CHAP. CLIX.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York to raise money by Tax.

Passed April 11, 1815.

\$50,000 dollars may be raised in a certain part of the city for certain purposes.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised by tax on the estates, real and personal, of the inhabitants of and situate within the said city, and to be collected, a sum not exceeding one hundred and one thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and maintenance of criminal persons, the support and repairs of the bridewell of the said city, the repairing and taking care of other public buildings of the said city, belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public roads in the said city and county, the defraying of other contingent expences arising within and properly chargeable to the said city and county, and for defraying the expences which the mayor, aldermen and commonalty of the city of New-York may sustain or be put to in executing the powers vested in them by the act passed the 9th day of April, 1813, entitled "An act to reduce several laws relating particularly to the city of New-York into one act," and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them, or others, and fees of collection not heretofore provided for; such deficiencies however to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said wards respectively where they shall happen as aforesaid. And also a further sum, not exceeding seventy-nine thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said city, to

\$70,000 dollars to be raised for certain purposes.

the southward of a line beginning at the North river, at a place called Deklyne's ferry, a little to the northward of the state-prison, and running thence easterly in front of the new banking houses to the road commonly called Sandy-hill road, and through the said road to the northward of Potter's field and the house of William Neilson to the Bowery road, and across the Bowery road to a street commonly called Stuyvesant-street, and through the middle thereof to the East-river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York in common council convened shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are or hereafter may be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expences arising within and properly chargeable to that part of the said city to the southward of the line aforesaid as the said mayor, aldermen and commonalty in common council convened may from time to time direct, and for supplying the deficiencies of former taxes upon the same part of the same city last described, owing to the insolvencies and fees of collectors not heretofore provided for; such deficiencies however to be assessed on the estate, real and personal, of the freeholders and inhabitants of, and situate within the said wards respectively where they shall happen as aforesaid, to the southward of the line aforesaid.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act entitled "An act for the assessment and collection of taxes;" and each person's tax in one ward shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city at such time after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city to retain in their hands five cents on each dollar by them collected; and the collector of the ninth ward of the said city to retain in his hands six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors respectively, for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

CHAP. CLX.

An ACT apportioning the Representation of this State according to the rule prescribed in the constitution.

Passed April 13, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That there shall be elected in the

Senators ap-
portioned.

Proviso.

Middle District two senators, in the Eastern District four senators, in the Western District two senators, at the next anniversary election, to fill the places of those senators whose term of service will expire on the first day of July next; and the clerk of the senate is hereby directed to give notice of the elections accordingly, and to countermand such notices as he may have already given; and that the inspectors of elections in the different towns of this state shall immediately, on being informed of the passage of this act, give notice of the number of senators to be elected in the district in which such towns are respectively situated, in the manner prescribed by law; which notices shall be deemed sufficient, although they may be given less than eight days preceding the commencement of said election: *Provided however*, That where notices may have been given for the election of one or more senators in any town in this state, not corresponding to the apportionment hereby made, and if no new notice shall be given as is herein before provided for, that the electors of the different towns may, notwithstanding, vote for senators agreeably to the apportionment hereby made of the senators to be elected at the next anniversary election.

CHAP. CLXI.

An ACT to revive the act entitled "An act to incorporate the Mount-Hope and Lumberland Turnpike Company," and to extend the time for completing said Turnpike Road.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act entitled "An act to incorporate the Mount-Hope and Lumberland turnpike company," passed 8th June, 1812, be, and the same is hereby revived from and after the passing of this act, with the same force and effect as if the said act of incorporation was now passed: And further, that the president and directors of the corporation hereby revived shall have time until the first day of December, one thousand eight hundred and twenty-five, to complete said road, any law to the contrary notwithstanding.

CHAP. CLXII.

An ACT relative to the Minisink and Montgomery Turnpike Company.

Passed April 14, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president and directors of the Minisink and Montgomery turnpike company shall have the privilege of commencing the said turnpike road at or near the dwelling-house of Levi Van Eltens, in the town of Minisink, instead of commencing at the New-Jersey line, near the house of Benjamin Carpenter, (as specified in the act incorporating said company:)

And further, that the time limited for the said corporation to complete the said road shall be and is hereby extended until the first day of November, in the year one thousand eight hundred and twenty-one.

II. *And be it further enacted*, That the said president and directors shall have a right to exact and receive from all persons using said road, for the first five miles, a toll equal to ten miles of said road which they are entitled to by the act of incorporation, any law to the contrary notwithstanding.

CHAP. CLXIII.

An ACT making provision for improving the navigable streams running through the county of Steuben.

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be and it is hereby made the duty of the supervisors of the county of Steuben, or a majority of them, at their annual meeting in the said county, to cause to be raised by tax, in the same manner as money to defray the contingent charges of the counties in this state are by law directed to be levied and collected, such sum over and above the monies necessary for defraying the contingent charges of the said county as the said supervisors, or a majority of them, shall judge proper, not exceeding four hundred dollars, nor less than three hundred dollars in any one year, together with the legal charges for collecting, laying out and expending the same; and that the said surplus so to be raised shall be paid into the treasury of the said county on or before the first day of February in every year.

Money to be raised by tax in Steuben county.

II. *And be it further enacted*, That the treasurer of the said county of Steuben shall, as soon as the said money shall be so collected and paid in as aforesaid, pay over the same to Henry Kennedy, William Hyde and Richard Hall, who are hereby appointed commissioners for the purpose of laying out and expending the said sum of money annually, in improving the navigable streams running through the county of Steuben: *Provided however*, That before the said money shall be so paid over to the said commissioners, they shall give sufficient security to the treasurer of the said county of Steuben, that they will faithfully expend the said money, and account annually with the supervisors of the said county for the same.

How to be appropriated

III. *And be it further enacted*, That this act shall continue in force until the first day of August, which will be in the year of our Lord one thousand eight hundred and twenty; and that the said commissioners shall be entitled to two dollars respectively for each day they may be necessarily employed in the discharge of the duties imposed on them by this act.

Duration of this act.

CHAP. CLXIV.

An ACT to revive the act entitled "An act for the incorporation of the Village of Buffalo, in the county of Niagara."

Passed April 14, 1815.

Preamble, WHEREAS the legislature did, on the second day of April, one thousand eight hundred and thirteen, pass an act to incorporate the freeholders and inhabitants of the village of New Amsterdam with certain privileges therein mentioned, by the name and style of "The trustees of the village of Buffalo :—" And whereas the said freeholders and inhabitants were not informed of the passing of this act until the time therein mentioned for holding the first annual election had elapsed : Therefore,

Act of 1813 renewed.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the act entitled "An act for the incorporation of the village of Buffalo," passed April 2d, 1813, be, and the same is hereby revived and in full force ; and it shall be lawful for the freeholders and inhabitants of said village to assemble on the first Monday of May in every year, at such time of the day, and at such public place therein as the trustees thereof shall from time to time appoint, and when so assembled, to do and perform all such act or acts as is directed by the act hereby revived.

First trustees

II. *And be it further enacted,* That Oliver Forward, Charles Townsend, Heman B. Potter, Ebenezer Walden and Jonas Harrison be, and they are hereby appointed trustees of the said village for the ensuing year, commencing the first day of May next.

CHAP. CLXV.

An ACT to incorporate the Philipstown Turnpike Company, in the county of Putnam.

Passed April 14, 1815.

Company incorporated.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Samuel Gouverneur, Amos Belden, David Knap, Samuel Townsend, John Haight, and all such other persons as shall associate for the purpose of making a good and sufficient road from Cold-Spring landing, in the town of Philipstown, and running from thence the most direct and convenient route in a north-eastwardly direction, by the way of the ore bed, Milltown, Abel Peak's tavern and Joseph White's tavern, to the meeting-house in the town of Patterson, according to the survey thereof made by Zebulon Homar, junior, dated the twenty-eighth day of March, one thousand eight hundred and fourteen, extending to the Connecticut line, so as to promote the interest of the public, and they and their successors shall be and are hereby created a body corporate and politic, by the name of "The Philipstown turnpike company," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending or being defended, in all courts

Style, &c.

and places whatsoever, in all manner of actions, suits, complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such *Proviso.* estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of the said corporation, and to no other purpose whatever.

II. *And be it further enacted*, That the stock of the said company shall consist of one thousand shares, of thirty dollars each; *Stock.* and that Amos Belding, Samuel Gouverneur and Samuel Townsend shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies," passed the 13th March, 1807.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the *Rates of toll.* gates or turnpikes to be erected on the said road, from all persons travelling and using the same, the following rates of toll, to wit: for every waggon with two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox used before any waggon, cart, or other carriage; for every one horse cart, six cents; for every coach, coachee, phaeton or curricule with two horses, twenty-five cents; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and an half cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, four cents; for every horse and rider, or led horse, four cents; for every sleigh or sled drawn by one horse or mule, three cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, three cents; and for every score of horses, cattle or mules, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached thereto.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, any three of whom shall form a quorum, and be capable of transacting the business of the company; and that the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the said act entitled "An act relative to turnpike companies," and be subject and liable to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted. *Privileges, &c.*

CHAP. CLXVI.

An ACT to raise an additional sum of money to build a Bridge across Genesee River.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful, and it is

hereby made the duty of the boards of supervisors of the counties of Ontario and Genesee, at their next annual meetings, to levy and cause to be collected from the freeholders and inhabitants of the said counties of Ontario and Genesee, the sum of five hundred dollars in each county, together with the additional sum of five cents on a dollar for the collection of the same, and one cent for treasurers fees; and when paid into the treasuries of the said counties, the said treasurers shall pay the same to the order of John H. Jones, Joseph W. Lawrence and Hugh M'Nair, or any two of them, which monies so paid shall be applied for the completion of a bridge to be built over the Genesee river, between the towns of Genesee and Leicester.

CHAP. CLXVII.

An ACT to amend the act, entitled "An act for suppressing immorality."

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall not be lawful for the commissioners of excise, to grant a licence, or permit any person to retail spiritous liquors under five gallons, if in the opinion of such commissioners, such applicant is not of good moral character; and that if any person shall on the day of any miittia parade or rendezvous, or of any town meeting or election, or the assembling of any inhabitants of this state, to celebrate the anniversary of American independence, expose to the public, or have in his possession, within half a mile of such parade, town meeting, election or celebration as aforesaid, any eo-table, wheel of fortune, or other gaming table or gaming box or machine, he shall forfeit the sum of twenty-five dollars, to the use of the poor of the city or town in which such offence may be committed, to be sued for and recovered by and in the name of the overseers of the poor of such city or town, in any court of competent jurisdiction; and it is hereby made the duty of all sheriffs, their under-sheriffs and deputies, of all coroners, marshals and constables, and it is hereby made lawful for all justices of the peace, to break, burn, or otherwise destroy all and every such table, wheel or machine, so exposed or possessed.

CHAP. CLXVIII.

An ACT relative to the act, entitled "An act to authorise the the building of a Toll-Bridge over the Schoharie creek, at Fort Hunter, in the county of Montgomery."

Passed April 14, 1815.

Preamble.

WHEREAS the directors and company of the Fort Hunter bridge company have, by their petition, represented that the bridge

built by them over the Schoharie creek, has lately been swept away by the ice; that they are desirous of rebuilding the same, but cannot undertake it without a considerable increase of their stock; that in order to induce men of capital to engage in so hazardous an enterprise, they conceived it necessary that their said act of incorporation should be materially amended: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the capital stock of the diggetors and company of the Fort Hunter bridge company, may be increased at the discretion of the directors of the said company, to such amount as they shall deem sufficient to build a good and substantial bridge over the said Schoharie creek, at or near the place where the former bridge stood: *Provided always,* That the same, including the stock already subscribed, shall never exceed one thousand shares, of twenty-five dollars each. Capital stock increased-
Proviso.

II. *And be it further enacted,* That subscription books may be opened by the said directors for the aforesaid additional stock, and kept open until a sufficient number of shares shall be subscribed to build and finish the said bridge in a good and substantial manner. How to be subscribed..

III. *And be it further enacted,* That the limitation in the aforesaid act of incorporation, and in the act amending the same, for the continuation of the said corporate company be, and is hereby repealed: that instead thereof they shall continue a body corporate and politic, in fact and in name, as in the said act is mentioned, during the time they shall keep and maintain a passable bridge over the said creek, and that in case the said bridge shall be injured or removed by the ice or freshets, then the said corporation shall not cease, unless they within three years next following neglect to repair or rebuild the same. Part of a former law repealed.

IV. *And be it further enacted,* That instead of the toll now authorised to be taken by the said company, it shall be lawful for them to demand and receive the following rates of toll, to wit: on every four wheel pleasure carriage drawn by two horses, thirty cents, if drawn by four horses, fifty cents; for every two wheel pleasure carriage drawn by one horse, nineteen cents, if drawn by two horses, twenty-five cents; for every head of neat cattle, two cents; for every score of sheep or hogs, twelve and an half cents; and so in proportion for a greater or less number; and that the other rates of toll mentioned in the aforesaid act to which this is an amendment, be increased at the discretion of the said directors: *Provided* the same shall never exceed twenty-five per cent. in addition to the rates now allowed to be taken at the gate of the said bridge. Toll.

CHAP. CLXIX.

An ACT relative to the Goshen and Minisink Turnpike Road Company.

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be law- Place of commencing the road, altered.

ful for the president and directors of the Geahen and Minisink turnpike road company, to commence the road, by the act incorporating the same company, authorised at the east end of the bridge commonly called Snook's bridge, over the Neversink river, instead of commencing, as was at first directed, at the Delaware river, and to intersect the said turnpike road as at present laid out from the Delaware river, at some point within two miles of said river, and that for the purpose of laying the said road according to the above authorised alterations, commissioners be appointed in the same manner, and with the same duties and powers directed by the act, entitled "An act relative to turnpike companies," passed March 13th, 1807, who are hereby authorised also to make such other alterations in the direction of the said road as to them shall seem necessary.

Time extended to complete this road.

II, *And be it further enacted*, That the time limited by that provision in the said act relative to turnpike companies, which makes it necessary that the operations of turnpike companies should be completed in seven years after the passing of their respective acts of incorporations, be extended for the benefit of the said Geahen and Minisink turnpike road company, to the twenty-seventh day of March, one thousand eight hundred and twenty-one.

CHAP. CLXX.

An ACT to alter the time of holding Town-Meetings in the Town of Grafton, in the County of Rensselaer.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Tuesday of April next, all annual town-meetings to be held in the town of Grafton, in the county of Rensselaer, shall be held on the first Tuesday in March; and that all such town officers whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. CLXXI.

An ACT to alter the time of holding the February Term of the Court of Common Pleas in and for the County of Sullivan.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the February term of the court of common pleas in and for the county of Sullivan shall be held on the first Tuesday of February in every year; and that the court of general sessions of the peace appointed by law to be holden on the second Tuesday of October, shall be holden on the said first Tuesday of February in every year; and that it shall not be necessary or lawful to hold a court

of general sessions of the peace in the said county on the second Tuesday of October.

CHAP. CLXXII.

An ACT regulating the working of Highways in the Town of Mamaroneck.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of highways in the said town shall not assess upon the inhabitants thereof, subject to work upon highways, a greater number of days than at the rate of thirty days for each mile of road to be worked in the said town, any thing in the fifth section of the act entitled "An act to regulate highways" to the contrary notwithstanding: Provided always, That each inhabitant shall be assessed at least one day in each and every year; and that whenever it shall happen that a greater quantity of work shall be required to keep the said roads and highways in repair than shall have been assessed by the said commissioners, such excess shall be assessed upon the inhabitants of the said town subject to work upon highways in the manner prescribed in the sixth section of the last mentioned act.

CHAP. CLXXIII.

An ACT to incorporate the National Insurance Company.

Passed April 14, 1815.

WHEREAS Isaac Lawrence and others, associated as a company under the style of "The National Insurance Company," by their petition presented to the legislature, have prayed for the privilege of being incorporated, to enable them the better to carry on and extend the business of insurance: Therefore,

Preamble.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all such persons as now are or hereafter shall be stockholders of the said company, shall be and hereby are constituted and declared to be from time to time, and until the first day of May one thousand eight hundred and thirty-five, a body corporate and politic, in fact and in name, by the name of "The national insurance company," and that by the same name they and their successors, until the said first day of May one thousand eight hundred and thirty-five, shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and by the said name be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions hereafter mentioned.

Company incorporated.

Style, &c.

Stock.

II. *And be it further enacted*, That a share in the stock of the said corporation shall be one hundred dollars, and the number of shares shall not exceed five thousand; and if the said number of shares are not already filled, subscriptions may be kept open, under the inspection of the president and directors of the said company, until the same shall be filled; and the whole amount of the stock, estate and property which the said corporation shall be authorised to hold shall never exceed five hundred thousand dollars.

Affairs managed by 19 directors.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by nineteen directors, one of whom shall be the president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer, which directors shall be stockholders and citizens of this state, and shall be elected on the second Monday in January in each and every year, at such time of the day, and in such place in the city of New-York as a majority of the directors for the time shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the city of New-York, and continued for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share; and the stockholders not present at such election may vote by proxy, provided the proxy be derived directly from such stockholder, and the votes be given by citizens of the United States inhabiting this state.

A president to be chosen.

IV. *And be it further enacted*, That the directors so to be chosen shall meet as soon as may be after every election, and choose out of their body one person to be president, who shall preside for one year, and be sworn or affirmed faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the board of directors; and the first directors shall be Isaac Lawrence, Frederick Depeyster, Jacob Barker, Philip Home, Frederick Jenkins, Gardner G. Howland, Richard Hopkins, Jacob P. Giraud, James Lovett, Preserved Fish, Gideon Post, Nathan Comstock, James B. Murray, Benjamin L. Swan, Thomas Lawrence, Amos Palmer, Gilbert Aspinwall, Robert Ainslee, and Richard Riker, who shall appoint one of their number president, and they shall respectively hold their offices until the second Monday in January, one thousand eight hundred and seventeen.

First directors.

Election may be held on any day.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Transfer how to be made.

VI. *And be it further enacted*, That the stock of the said company shall be assignable and transferable, according to such rules as the president and directors shall make and establish; and no

stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, until such debt be paid, or secured to be paid, to the satisfaction of the president and directors.

VII. *And be it further enacted*, That the president and directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and transfer of shares, and touching the salaries, duties and conduct of the president, assistants, if any, secretary, officers, clerks and servants employed, and touching the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint an assistant or assistants, and a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided always*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

By-laws may be made.

Provide.

VIII. *And be it further enacted*, That the president and directors shall have full power and authority, in the name and on behalf of the company, to make all kinds of insurance upon the inland transportation of goods, wares and merchandize, all kinds of marine insurance, and insurances upon a life or lives, by way of tontine or otherwise; and they may also lend money upon bottomry and respondentia, and generally do and perform all matters and things relating to the said objects; and all policies shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in the like manner, and with the like force and effect, as if done under the seal of the said corporation.

Insurance.

IX. *And be it further enacted*, That it shall be the duty of the president and directors, on the first Mondays of January and July in every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation, shall have been added to the capital: *Provided nevertheless, and it is hereby further enacted*, That no dividend shall be made of any premium received by the said president and directors for any contract of insurance, until the voyage or risk insured thereby be terminated.

Dividends.

Provide.

X. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been or may be bona fide mortgaged to the said company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, (except such as may be for its immediate accommo-

Real estate may be held for certain purposes.

dation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be in the mortgagors, their heirs or assigns) the said corporation shall be bound to sell and dispose of the same respectively, within five years after it acquires the same, and shall not be capable of holding the same after the expiration of the said five years, but the same shall immediately, after the expiration of the said five years, be forfeited to and vested in the people of this state.

Restrictions. XI. *And be it further enacted,* That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created by any act of the Congress of the United States or of any particular state, unless in buying the same in order to invest its capital stock, or any part or parts thereof, by way of securing the said capital stock, or in selling the same for the payment of its debts, or to reinvest in other stock, or when truly pledged to it by way of security for debts due to the said corporation. And further, it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contracts for the payment of money only, except the same be under the seal of the said corporation; and all such notes, bills and contracts shall be construed and taken to be specialties, and not possess any other or greater power of being assigned or transferred than specialties at common law.

Policies how to be signed. XII. *And be it further enacted,* That the president may sign any policy or contract, and cause the secretary to attest and sign the same, in such manner as to be valid against, and to bind the said corporation, without the presence of a board of directors, provided the same is done under and in conformity to a by-law of the directors, which may be made and ordained for that purpose.

This is a public act. XIII. *And be it further enacted,* That this act shall be and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favorably, for every beneficial purpose herein intended.

Debts. XIV. *And be it further enacted,* That in respect of all debts which shall be contracted by the said corporation, before the said first day of May, one thousand eight hundred and thirty-five, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation: And further, that before the president and directors of the said company shall assume any risk in pursuance of this act, the amount of capital stock already subscribed for in the said company, shall be paid by the subscribers to the said president and directors, and by them securely invested either in any of the public stock, funds or debts of the United States, or of this state, or in the stock of any of the incorporated banks of the city of New-York, or loaned to individuals upon their bond or bonds, secured to be paid by mortgage or mortgages, upon unincumbered real estate within this state, the value of fifty per cent. more than the amount of the sum or sums so to be loaned as aforesaid; and if the said president and directors shall at any time neglect so to do, they shall

be held to be responsible in their individual and private capacities for any loss or losses which may be sustained by any person or persons, by reason of such negligence.

CHAP. CLXXIV.

An ACT in addition to the act, entitled "An act to incorporate the Warwick and Minisink Turnpike Company.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Warwick and Minisink turnpike company to ask, demand and receive three cents from all foot passengers travelling and using said turnpike road across the drowned land and bridge over the Walkill.

CHAP. CLXXV.

An ACT to amend an act, entitled "An act to incorporate the Newtown and Bushwick road Turnpike Company," passed 25th March, 1814,

Passed April 14, 1815.

WHEREAS the president and directors of the Newtown and Bushwick road turnpike company, having by their petition represented to the legislature, that owing to their act of incorporation differing in the manner of proportioning the tolls to be received on their road, from that requested in the original petition of the inhabitants who would have to use the said road, it will make so great a difference in the probable income of the company, that they cannot dispose of the stock of the said company, so as to carry the said act into effect, and praying that the said act may be so amended, that the tolls may be received on the plan originally required by the inhabitants: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That instead of the manner of apportioning the tolls, as contained in the fifth section of the said act, that it shall and may be lawful for the toll-gatherers of the said company to collect and receive, of, and from all and every person or persons using the said road, for more than three miles from the west end of the same, the toll stated in the said act, and in proportion for those who shall use only a proportion of the three miles at the west end of the said road.

CHAP. CLXXVI.

An ACT to authorise the Commissioners of Highways to lay out a Road in the town of Flatbush.

Passed April 14, 1815.

WHEREAS by a law of this state, requiring all public roads to be laid out in the counties of Richmond, Kings, Queens and Suffolk, shall not be less than three rods wide; and whereas sundry inhabitants of the town of Flatbush, in Kings county, do by their petition, pray for a law to be passed, to authorise the commissioners to lay out a road two rods wide: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways in the town of Flatbush, in Kings county, to lay out a road at Newlots, in said town, from the south road to the Brooklyn and Jamaica turnpike road, two rods wide, if it shall appear to the commissioners of said town to be necessary for travellers, and such freeholders and inhabitants; and that the commissioners shall, in all other respects, act according to the laws for regulating highways in the counties of Richmond, Kings, Queens and Suffolk.

CHAP. CLXXVII.

An ACT for the relief of the occupants of lot number 48, of the late Cayuga Reservation, on the east side of Cayuga lake, and for other purposes.

Passed April 14, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the occupants of lot number forty-eight, of the late Cayuga reservation, on the east side of Cayuga lake, shall be entitled to all the benefits of the thirty-first section of the act concerning the commissioners of the land office, and sale of unappropriated lands, if they shall comply with the conditions contained in the several provisos to the said section, within three months after the passing of this act.

II. And be it further enacted, That the first payment to be made by the settlers on the two mile square reservation, on the east side of Cayuga lake, agreeable to an act for their relief, passed March thirtieth, one thousand eight hundred and ten, be and the same is hereby extended until the first day of January next: *Provided,* That the said settlers shall pay the interest due the state, agreeable to the provision in the act aforesaid.

Occupants
of lot no. 48
of Cayuga re-
servation re-
lieved.

The time for
making the
first payment
extended on
2 mile square
reservation.

Proviso.

CHAP. CLXXVIII.

A ACT to divide the town of Preble, in the county of Cortland.

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all that part of the town of Preble, west of the following line, beginning at the north-east corner of lot number fifty-four, on the north line of said town; thence south on the east line of lots fifty-four, sixty-four and seventy-four, to the north-east corner of lot number eighty-four; thence east on the north line of eighty-five; thence south on the east line of lots number eighty-five and ninety-five, to the south line of the said town, shall be, and is hereby erected into a separate town, by the name of Scott; and that the first town meeting shall be held at the school-house, near the house of Paul Babcock, after the first day of May next.

Boundary.

Separate town.

Scott.
First town meeting, when held.

II. *And be it further enacted,* That the remaining part of the town of Preble, be and remain a town by the name of Preble, and that the first town meeting be held at the now dwelling-house of Asa Aldrich, after the first day of May next.

III. *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Scott and Preble aforesaid, shall, by notice to be given by the supervisors of the towns of Scott and Preble aforesaid, for that purpose, meet together and apportion the poor maintained previous to the division, by said town; and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to the said town of Preble, between the said towns, and that each town shall for ever thereafter, maintain its own poor.

The duties of the supervisors and overseers of the poor.

To apportion the poor and divide the money.

IV. *And be it further enacted,* That the annual town meetings in the towns of Preble and Scott, after the first Tuesday of April instant, shall be on the first Tuesday in March in every year.

Annual town meetings, when to be held.

CHAP. CLXXIX.

An ACT to incorporate the Pacific Insurance Company of New-York.

Passed April 14, 1815.

WHEREAS Isaac Wright, Stephen Whitney, John T. Lawrence and others, associated as a company under the style of "The Pacific Insurance Company of New-York," have, by their petition presented to the legislature, prayed the privilege of being incorporated, to enable them the better to carry on and extend the business of marine insurance: Therefore,

Preamble

Company incor-
porated.

Style, &c.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter shall be stockholders of the said company, shall be, and they are hereby declared to be from time to time, and until the expiration of the term of twenty years from and after the passing of this act, a body corporate and politic, in fact and in name, by the name and style of "The pacific insurance company of New-York," and that by the same name they and their successors, during the period aforesaid, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and by the same name be capable of purchasing, holding or conveying any estate real or personal, for the use of the said corporation, subject to the restrictions hereinafter mentioned.

Stock.

II. *And be it further enacted,* That a share in the stock of the said corporation shall be fifty dollars, and the number of shares shall not exceed ten thousand; and if the number of shares are not already filled, subscriptions may be kept open under the superintendence of the president, assistant or assistants, and directors of the said company, until the same shall be filled; and the whole amount of the stock, estate and property which the said corporation shall be authorised to hold, shall not exceed five hundred thousand dollars.

Concerns to
be managed
by 17 direct-
ors.

How to be
elected.

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seventeen directors, (one of whom shall be the president, and one or two of whom, according as the said corporation shall, from time to time determine, shall be an assistant or assistants,) who shall respectively hold their offices for one year, and until other directors shall be chosen, and no longer, which directors shall at all times during their continuance in office, be stockholders in the said company to the amount of at least twenty shares, and citizens of the United States, and shall hereafter be elected on the third Monday of January in each and every year, at such time of the day, and at such place in the city of New-York, as the president, assistant or assistants and directors for the time being, shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the city of New-York, and continue daily for the space of ten days immediately preceding such election, and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election, by the president, assistant or assistants and directors, and such election shall be made by ballot, and by a plurality of the votes of the stockholders present, or their proxies, allowing one vote for every share of the said stock, but no transferred share shall entitle the person to whom it may be transferred to vote, until thirty days after such transfer; and the first directors shall be Isaac Wright, Stephen Whitney, John T. Lawrence, Charles Wright, Walter Wilks, Thomas Buckley, Francis Thompson, Samuel Hicks,

First Direct-
ors.

John Graham, George Griswold, John H. Howland, Francis Depau, Austin L. Sands, Perez Jones, John Adams, Robert Center and Abraham Barker, who shall respectively hold their offices until the third Monday of January, in the year of our Lord one thousand eight hundred and sixteen.

IV. *And be it further enacted*, That the directors appointed by this act, and such as may hereafter from time to time be elected, shall respectively meet as soon as may be after their coming into office, and choose out of their body a president, and either one or two assistants, according as the said corporation may from time to time determine, who shall at all times during their continuance in office, be respectively stockholders in the said company, in their own right, to the amount of not less than forty shares each, and who shall remain in office for one year, and be sworn or affirmed faithfully to perform the duties of their respective offices; and in case of death, resignation or inability to serve of the president, assistant or assistants, or either of them, or of any director, such vacancy or vacancies may and shall be filled for the remainder of the year in which they may happen, by the board of directors and the president, or in case of his death, resignation or inability to serve, the assistant or assistants, or either of them; and in case of their death, resignation or inability, the secretary shall have power to convene the directors for the purpose aforesaid.

President
and assistants
to be chosen.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Election may
be held on a
ny day.

VI. *And be it further enacted*, That nine of the directors, including the president or an assistant, shall form a board, and be competent to transact all the business of the corporation; and all questions before them shall be decided by a majority of voices; and they shall have full power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the transfer of shares in their stock, and touching the duties and conduct of their officers and servants, and the election of directors, and all other matters whatsoever appertaining to the business of marine insurance; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on said business, as to them shall seem meet; and to establish and fix such salaries and allowances to them, and also to the president and assistant or assistants, as to the said board shall from time to time appear proper: *Provided always*, That such by-laws, rules and regulations, shall not be repugnant to the constitution of this state and the laws thereof, or of those of the United States.

By-laws may
be made.

VII. *And be it further enacted*, That until other regulations shall be in that behalf made by the said corporation, in manner aforesaid, it shall be lawful for the president and assistant, or one of them, with a director, or in the absence of both president and as-

Insurance
made, and on
what.

sistants, or any three of the directors for the time being, to make insurance on behalf of the company, upon vessels, goods, wares and merchandise, freight, bottomry, respondentia, interest, and all other marine risks whatsoever, at such premiums as they may see fit; and they may also, with the consent and concurrence of the board of directors, lend money upon bottomry and respondentia; and all policies of insurance by them made, and subscribed by the president, or by the assistants, in the absence or inability of the president; or, if there be but one assistant, by him with one of the directors, or by any three directors, in case of the absence or inability of both president and assistants, and attested or countersigned by the secretary, shall be as binding and obligatory upon the said corporation, as if executed under the seal thereof; and the assured may thereupon, in case of loss arising under any such policy, maintain an action on the case, against the said corporation.

Dividends.

VIII. *And be it further enacted*, That it shall be the duty of the president, assistant or assistants and directors, on the first Mondays of January and July in each and every year, to make a dividend of so much of the profits of the said corporation, as to them or a majority of them shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation, shall have been added to the capital: And further, that no dividend shall be made of any premium received by the said president and directors, for any contract of insurance, until the voyage or risk insured thereby be terminated.

Stock, how to be invested or secured.

IX. *And be it further enacted*, That before the president and directors of said company shall assume any risk in pursuance of this act, that the amount of capital stock already subscribed for or hereafter to be subscribed for in the said company, shall be paid by the subscribers for the same, to the said president and directors, and by them securely invested, either in any of the public funds or debts of the United States, or of this state, or in the stock of any of the incorporated banks in the city of New-York, or loaned to individuals upon their bond or bonds, secured to be paid by mortgage or mortgages, upon improved unincumbered real estate within this state, of the value of fifty per cent. more than the amount of the sum or sums so to be loaned as aforesaid: And if the said president and directors shall at any time neglect so to do, they shall be held to be responsible in their individual and private capacities, for any loss or losses which may be sustained by any person or persons, by reason of such negligence.

Restriction as to real estate.

X. *And be it further enacted*, That the said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of its business, or such as shall have been or may be bona fide mortgaged to the said company, by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments or decrees, which it shall have obtained for such debts: and with regard to all such real estate as aforesaid, (except such as may be necessary for its immediate accommodation, or such as shall be bona fide mortgaged as aforesaid,) the said corporation

shall be bound to sell and dispose of the same respectively, within five years after the acquisition thereof, otherwise the same shall be forfeited and vested in the people of this state.

XI. *And be it further enacted*, That the said corporation shall not be concerned in any trade or traffic whatsoever, except as herein before described and permitted; but it may nevertheless purchase stock created under any law of the United States, or of this state, for the purpose of investing its funds, and may take a transfer thereof by way of security for, or in part payment of any debt due to the said corporation, and may sell any such stock when the interest or exigencies of the said corporation may require it; and the said corporation shall not issue any notes, or bills or securities, for the payment of money, except under the seal thereof. As to traffic.

XII. *And be it further enacted*, That this act shall be, and is hereby declared to be a public act, and shall, for the time herein before and hereinafter mentioned, be construed in all courts and places, benignly and favorably for every beneficial purpose herein intended. This act is a public act.

XIII. *And be it further enacted*, That this act shall continue in force for and during the term of twenty years next ensuing; and that in respect of all debts which shall be contracted by the said corporation before the time limited for the expiration of this act, the persons composing the said corporation, at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective shares in the funds of the said corporation at that time, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation. Duration thereof.

CHAP. CLXXX.

An ACT for the relief of Logan Cook.

Passed April 14, 1815.

WHEREAS at a treaty held at the city of Albany, on the 21st day of February, in the year of our Lord one thousand eight hundred and nine, with the chiefs or sachems of the pagan party of the Oneida nation of Indians, for the sale of certain lands belonging to the said pagan party, lying east of the Oneida creek, and extending from the Oneida lake to Mud creek, which empties into said Oneida creek to the southward of the Seneca turnpike road, there was reserved out of the same for Logan Cook, son of colonel Louis Cook, one hundred acres of land, as nearly in a square as might be, on the east side of the said creek, and to comprehend the improvements made by the said colonel Louis: Therefore, Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said one hundred acres of land so reserved in the said treaty to the said Logan Cook, be and the same is hereby confirmed to the said Logan Cook, his heirs and assigns forever. 100 acres confirmed to L. Cook.

II. *And be it further enacted*, That it shall and may be lawful for the said Logan Cook and his heirs to grant, bargain, sell and convey, in fee simple, to any person or persons, being a citizen or He may sell certain lands.

Proviso.

citizens of this state, the whole or any part of the said land so reserved and confirmed to the said Logan as aforesaid: *Provided however,* That no such grant, bargain, sale or conveyance shall be valid or effectual, unless the same shall be executed in the presence and by the approbation of the district attorney for the time being, of the district in which such lands are or shall be situated.

District attorney's duty

III. *And be it further enacted,* That whenever any application shall be made to said district attorney for his approbation of any such conveyance, it shall be the duty of the said district attorney, without fee or reward, to ascertain that such conveyance be honestly and fairly obtained, and that the same be for a competent and reasonable consideration, and that such consideration be justly paid, or properly secured to be paid; and the said district attorney, if he shall be satisfied in the premises, shall indorse on such conveyance a certificate in writing, with his name thereto subscribed, expressing his approbation of such conveyance.

Security to be lodged with the comptroller.

IV. *And be it further enacted,* That on the sale of said premises, the security to be taken shall include at least three fourths of the whole amount of the purchase money, which security shall be lodged by the said district attorney with the comptroller of this state; and if the money so secured shall not be paid as it falls due, it shall be collected in the same manner as money due in like cases to the people of this state.

Purchase money how disposed of.

V. *And be it further enacted,* That the purchase money for said land shall be paid into the treasury of this state for the benefit of the said Logan; and the interest on such money shall be paid to him annually, at the time and place of paying the annuity to the Oneida nation of Indians, whenever the said Logan shall have any money in the treasury for that purpose; and if his necessities shall at any time require more than the interest of said money, upon producing an order from the attorney of the Oneida nation of Indians, the comptroller shall grant his warrant upon the treasurer for such sum as shall be mentioned in said order, and the treasurer shall pay the same out of any monies of the said Logan that may be in the treasury.

Heirs of Logan to receive the residue after his death.

VI. *And be it further enacted,* That after the decease of the said Logan, the residue of the said money, if any shall remain, shall be divided among the heirs of the said Logan, unless the same shall be otherwise appropriated by the legislature for the use of the said heirs.

CHAP. CLXXXI.

An ACT for opening and improving a Road from Salina, in the county of Onondaga, to Redfield, in the county of Oneida.

Passed April 14, 1815.

Certain lands to be taxed for opening and improving the road.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That there shall be assessed, paid and collected, for the purpose of opening and improving the road leading from the village of Salina, in the county of Onondaga, through the towns of Cicero, Constantia, Williamstown and Red-

field, until it intersects the state road leading from Rome to Brownville, in the county of Jefferson, to wit : on every acre of land lying within one mile of the said road, except the land belonging to the people of this state, and excepting also such land as has heretofore been made liable to taxation by virtue of any statute law of this state for the purpose of opening and improving other roads, a sum not exceeding ten cents, nor less than three cents ; and for every acre of land lying within two miles, and more than one mile from the said road, owned by non-residents, a sum not exceeding five cents, nor less than one cent, which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof, for the improvement of said road.

II. *And be it further enacted*, That John W. Bloomfield, Ashbel Kellogg and Samuel Torbert be, and they are hereby appointed commissioners to lay out and expend the monies on said road to be raised by virtue of this act, and examine the lands hereby made subject to the said assessment, and make the said assessment fairly thereupon in writing, and shall ascertain and describe the parcels of land so assessed as accurately as may be, which said assessment so to be made in writing as aforesaid shall be filed in the office of the comptroller of this state ; and it shall thereupon be the duty of the said comptroller to give notice in the newspaper published by the printer to this state, and in one newspaper printed in the counties of Onondaga and Oneida, for three successive weeks, that he the said comptroller has received the assessments of a tax made agreeably to this act ; and unless the said tax be paid within six months from the date of the advertisement, it shall then be the duty of the said comptroller to give notice in the newspapers aforesaid, describing particularly all the land or parcels of land on which the said tax shall remain unpaid, that the same will be sold at public sale by the said comptroller, in the city of Albany, to the highest bidder, or so much thereof as may be necessary to raise the amount of the sum so assessed and remaining unpaid, together with all the expences of advertising, selling and conveying the same, on such day as he shall fix, not exceeding three months, nor less than two months from the date of the advertisement ; and the said comptroller shall be, and hereby is authorised to execute a conveyance to the purchaser, which shall vest the absolute title thereof, in fee simple, in the purchaser : *Provided* the owner of such land so sold and conveyed by the said comptroller, shall not, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per centum per annum ; and the monies so received by the said comptroller shall be paid by him to the said commissioners, for the purpose of opening and improving the road aforesaid : *Provided however*, That previous to the receiving of the said sums of money, the said commissioners shall enter into a bond, with such security and in such sum as shall be approved by the comptroller of this state, with whom the same shall be filed, with condition that they will faithfully expend and account for the said sum of money, according to the true intent and meaning of this act ; and the certificate of the said comptroller shall be deemed and considered as

Commissioners to lay out the road & make the assessment.

Assessment to be filed in comptroller's office.

His duty.

Provided.

proof of the said commissioners having complied with the requisites of this act.

Commissioners allowed 2 dollars 50 cts per day

III. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to receive out of the monies so to be paid to them, two dollars and fifty cents for each and every day's service in which they shall be employed in making the said assessment according to this act, and in laying out, opening and improving the said road.

CHAP. CLXXXII.

An ACT to suspend the operation of the fourth section of the act, entitled "An act for the further improvement of the navigation of the Hudson river, between the village of Troy and Coeymans Overslaugh."

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the power granted to the dock-masters in the city of Albany in and by the fourth section of the act entitled "An act for the further improvement of the navigation of the Hudson river, between the village of Troy and Coeymans overslaugh," passed June 15th, 1812, be, and is hereby suspended for one year from and after the passage of this act.

CHAP. CLXXXIII.

An ACT relative to the Fees of the Coroners of the Counties therein mentioned.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the coroners of the counties of Richmond, Kings, Queens and Suffolk, shall hereafter receive for the view of each body, taking and returning the inquisition, and in lieu of all fees and charges attending the same, the sum of five dollars, and no more; and that so much of the act entitled "An act regulating the fees of the several officers and ministers of justice within this state," as is contrary to this act, be and the same is hereby repealed.

CHAP. CLXXXIV.

An ACT to annex a part of the town of Franklin to the town of Meredith, in the county of Delaware.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Franklin known by the names

of great lot number four and fourteen, in Whitesborough patent, be annexed to the town of Meredith.

CHAP. CLXXXV.

An ACT relative to the assessment of Real Estate in the county of Ulster.

Passed April 14, 1815.

WHEREAS by the third section of the act entitled "An act for the assessment and collection of taxes," passed April the fifth, one thousand eight hundred and thirteen, the first valuations of real estates to be made in pursuance of the said act, are directed not thereafter to be varied, except in the cases therein mentioned: And whereas the valuation of such estates made under the said act in various parts of the county of Ulster, appears to be incorrect: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That at the next assessment of property in the county of Ulster, a new assessment and valuation shall be made of all the real estate in the said county, in the manner prescribed in and by the said act, and that such new valuation shall thereafter be considered the true valuation of such real estate, instead of the first valuation mentioned in the third section of the said act.

CHAP. CLXXXVI.

An ACT in addition to an act entitled "An act to lay out and improve a road from Hadley Landing to intersect the great road leading from Glen's Falls to the Schroon lake."

Passed April 14, 1815.

WHEREAS it is represented to the legislature, that the monies granted in and by the act entitled "An act to lay out and improve a road from Hadley landing to intersect the great road leading from Glen's falls to the Schroon lake," passed the 12th day of February, 1813, have proved insufficient for the purpose contemplated in and by the said act, and that the same have been appropriated and expended by the superintendent therein directed to be appointed by the person administering the government of this state, without erecting a bridge across the west branch of Hudson river. And whereas the said bridge appears to be one of the necessary bridges mentioned in the said act, without which the benefit and advantage of the said road are in a great measure lost to the persons using the same: Therefore,

Preamble.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the sum of five thousand dollars out of the first monies arising from quit rents due to the people of this state on lands in the towns of Hadley, Johnsbury, Athol and Warrensburgh, be, and the same is hereby appropriated

5000 dollars appropriated to build a bridge.

to the building and erecting of a bridge upon the road aforesaid, over the middle branch of Hudson river, at such place above the north-east branch of the said river as the commissioners named in the act above mentioned, shall determine and appoint.

D. Cameron
appointed su-
perintendent

He shall give
security,

II. *And be it further enacted*, That Duncan Cameron, of Athol, in the county of Warren, be, and he is hereby appointed a superintendent for the building and erecting of the said bridge, and for directing the expenditure of the said sum of money for that purpose; and the said superintendent, before he shall enter upon the duties of his office, shall enter into a bond to the people of this state, in double the amount of the said sum, with two sureties, to be approved of by the comptroller, conditioned for the faithful expenditure of all the monies he shall receive under and in pursuance of this act, according to the true intent and meaning thereof, and also for accounting to the comptroller for the said expenditure within three years thereafter; and the said superintendent shall moreover, before he shall enter upon the duties of his office, take and subscribe an oath before one of the judges or assistant justices of the court of common pleas of the county of Warren, faithfully to execute the trust reposed in him as superintendent appointed by this act, to the best of his knowledge and understanding, which said oath shall be filed in the office of the clerk of the county of Warren.

His compen-
sation.

III. *And be it further enacted*, That the said superintendent shall be entitled to receive for his services and expences whilst necessarily employed in the duties of his trust aforesaid, the sum of two dollars per diem, payable out of the said appropriation.

Treasurer to
pay the mo-
ney to build
the bridge.

IV. *And be it further enacted*, That it shall be the duty of the treasurer to pay, on the warrant of the comptroller, to the said superintendent, the said sums of money out of the said fund, to be by the said superintendent applied as soon as may be thereafter, to the building and erecting of the said bridge.

Part of a for-
mer act re-
pealed.

V. *And be it further enacted*, That so much of the said act entitled "An act to lay out and improve a road from Hadley landing to intersect the great road leading from Glen's falls to Schroon lake," as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

Comptroller
to require J.
Rockwell to
settle his ac-
counts,

VI. *And be it further enacted*, That the comptroller shall require Jeremy Rockwell, the superintendent appointed by virtue of an act passed the 12th February, 1813, for improving the road from Hadley landing, to intersect the great road leading from Glen's falls to Schroon lake, to account for all monies by him received by virtue of the said act, within six months from the passing of this act; and if the said Jeremy Rockwell shall neglect or refuse to settle his accounts within the period aforesaid, or shall not satisfy the comptroller that the money has been expended according to the true intent and meaning of the said act, the comptroller shall deliver the bond executed by the said Jeremy Rockwell and his sureties, to the attorney-general, whose duty it shall be forthwith to prosecute the same.

CHAP. CLXXXVII.

An ACT to vest certain powers in the freeholders and inhabitants of the village of Greenbush.

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the district of country comprehended in the following bounds, to wit: beginning at a point in the Hudson river opposite the city of Albany, in the division line between the counties of Albany and Rensselaer, which point is south sixty-four degrees forty-five minutes east from the north-east corner of the brick store of Thomas Gold, on the dock, and runs from the said point south sixty-four degrees forty-five minutes east to a marked bass-wood tree, standing on the east bank of the said Hudson river, which is the south side of Partition-street; thence from the said bass-wood tree south sixty-four degrees forty-five minutes east, twenty-seven chains, to a stake; thence south eighteen degrees west sixty-two chains and fifty links to a stake and stones in the north side of Mill-street; thence along the same north sixty-nine degrees forty-five minutes west, to the before mentioned division line between the said counties of Albany and Rensselaer; thence along the same northerly to the place of beginning; also Partition-street on the north, and Mill-street on the south, to be included, shall hereafter be known by the name of the village of Greenbush; and that the freeholders and inhabitants qualified by law to vote at town meetings, who may reside within the aforesaid limits, may on the second Tuesday of May next, meet at the dwelling-house now occupied by James Mathews, and then and there proceed to choose five freeholders, resident within the aforesaid limits, to be trustees thereof; and that the justice or justices of the peace resident within the aforesaid limits, shall give public notice of such meeting, at least one week previous thereto, and shall preside at such meeting, and declare the several persons having a majority of votes, as duly chosen as trustees; and on every second Tuesday of May hereafter, there shall in like manner be a new election of trustees of the said village, and the trustees for time being shall preside at such election, and shall in like manner give notice of the time and place of holding the same.

Bounds of
the village.

Privileges of
the inhabi-
tants.

II. *And be it further enacted,* That the freeholders and inhabitants aforesaid, are hereby constituted and declared to be a body politic and corporate, by the name of "The trustees of the village of Greenbush," and by that name, they and their successors may have perpetual secession, and be persons in law capable of suing and being sued, and of defending, in all courts of justice, and in all actions and causes of action whatsoever, and may have a common seal, and may alter the same at pleasure; and shall be in law capable of holding, purchasing and conveying any estate, real and personal, for the public use of said village, and of erecting public buildings, and of making any other necessary improvements; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village, in proportion to the relative value of their property therein, to be assessed by three judicious assessors,

Style & pow-
ers of the
trustees.

to be chosen from among the freeholders in the said village, at their annual meetings, and collected by a collector to be appointed by the trustees aforesaid, for the time being, by virtue of a warrant for that purpose, signed by the trustees, or a majority of them, and when so collected, shall be paid over to the said trustees, or such of them as they may designate, to be applied to the purpose for which the same shall have been raised: *Provided nevertheless*, That no tax shall be levied, or monies assessed, raised or collected for the purposes aforesaid, nor any purchase or sale of any real estate be made, nor any public buildings erected, or disposed of, without the consent of the freeholders and inhabitants aforesaid, or the major part thereof, at a public meeting, duly notified by the trustees of the said village: *And provided further*, That every assessment made for the raising, levelling, paving or repairing any streets, alleys or highways, shall be assessed on, and collected from the lots and ground next adjacent to such street, alley or highway, in proportion to their relative value, and the advantages to be derived from such improvement.

Proviso.

Further proviso.

By-laws may be made.

III. *And be it further enacted*, That it shall be lawful for the said trustees, or the majority of them and their successors, to make and publish such prudential rules and regulations, as they from time to time shall deem meet, relative to the draining, filling up, paving, keeping in order and improving the streets, alleys or highways, relative to the public markets, relative to all necessary means for preventing and extinguishing fires, relative to slaughter-houses and nuisances, relative to the suppression of vice and immorality, and any thing whatsoever that may tend to the police and good government of the said village, which may not be inconsistent with the constitution or laws of the United States, or of this state; and may make and provide such reasonable fines against the breach of such laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by the said trustees, in their own name, before any justice of the peace in the county of Rensselaer, for the use of the said freeholders and inhabitants.

Common clerk may be chosen.

IV. *And be it further enacted*, That the freeholders and inhabitants aforesaid may, on the said second Tuesday of May next, and at every annual meeting thereafter, elect as aforesaid, a fit person, resident in the said village, to be a common clerk, whose duty it shall be to record all rules and regulations made by the said freeholders and inhabitants, at their meetings aforesaid, in a proper book to be by him provided for that purpose, and also to do all things that the said trustees, or a majority of them shall direct, under the powers vested in them by this act.

Trustees, assessors and clerk to take an oath.]

V. *And be it further enacted*, That the trustees, assessors and clerk, so to be chosen as aforesaid, and the collector to be by the said trustees appointed as aforesaid, shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful performance and execution of the trust or office to which they may be severally chosen or appointed.

VI. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expences and disbursements, and of all monies received and paid by them during their continuance in office; and shall at every annual meeting prepare and state the accounts of the current year, and if a balance shall remain in their hands, pay the same over to their successors in office, or such of them as a majority of them may designate; and that it shall be lawful for the trustees of the said village for the time being, to pay the assessors and collector such suitable compensation for their services, as they may deem proper, by a by-law of the said corporation. Accounts to be rendered-

VII. *And be it further enacted*, That this act is hereby declared to be a public act; and that the same be construed in all courts favorably and benignly for every beneficial purpose herein contained. This is a public act.

CHAP. CLXXXVIII.

An ACT for the relief of John Leonard.

Passed April 14, 1815.

WHEREAS John Leonard, on the 6th day of January, in the year of our Lord one thousand eight hundred and seven, purchased on the sale thereof, by the surveyor-general of this state, one hundred and fifty-one acres and a quarter of land, in the subdivision of lot number nine, in the town of Ovid, in the county of Seneca, on which he subsequently made all his payments, according to law, and had at the time of the purchase, large and valuable improvements thereon, which lot, however, on an accurate calculation of its contents, contains only one hundred and thirty-seven acres: And whereas by virtue of an act, passed March 6th, A. D. 1812, for the relief of Abraham DeMott, another part of said lot number nine was granted to the said Abraham DeMott, and which was intended to adjoin the lot of the said John Leonard, as possessed by him, and as surveyed by Joseph Annin, but which by mistake in the return of surveys, was so granted as to cover part of the lands possessed and improved by the said John Leonard; and whereas it also appears that that part of the said lot conveyed to the said Abraham DeMott, contains more land than was supposed by the act aforesaid to be contained therein: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the attorney-general of this state, forthwith, to take such measures as he may deem best calculated legally to compel Abraham DeMott, residing on the north part of lot number nine, in the town of Ovid, in the county of Seneca, to convey to John Leonard, so much of the said lot number nine, as was by the surveyor-general sold to the said John Leonard, and which is described in the said surveyor-general's certificate; and the comptroller is hereby authorised and required, on the application of the attorney-general, and in his favor, to draw his warrant on the treasurer, for the principal and in-

terest of the money paid for so much of lot number nine as hath been granted to him, and which was also sold to the said John Leonard, and that the expence of such proceedings as may be had in the premises, shall be borne by and paid out of the treasury of this state.

CHAP. CLXXXIX.

An ACT to establish and regulate a Ferry across Lake Champlain.

Passed April 14, 1815.

C. Holgate
may set up
a ferry.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Curtis Holgate, of the town of Burlington, in the county of Chittenden, and state of Vermont, his heirs and assigns, to set up and maintain a ferry across lake Champlain, from Chesterfield, in the county of Essex, and state of New-York, to Burlington, in the state of Vermont, for and during the term of ten years from the first day of May next.

And erect a
dock.

II. *And be it further enacted,* That the said Curtis Holgate, his heirs and assigns shall, if they set up a ferry by virtue of this act, erect a convenient dock or landing place, at or near the landing place in Douglas's bay, in the said town of Chesterfield, as shall be most suitable for that purpose, and shall, during the term aforesaid, keep and maintain a good and sufficient ferry-boat, capable of conveying six horses and three carriages, and ready at all reasonable times and seasons to ferry and transport across said lake persons, goods and chattels.

No ferry to
be kept with-
in two miles
of this.

III. *And be it further enacted,* That if any person or persons shall, after the first day of May, in the year eighteen hundred and sixteen, set up, keep or maintain a ferry, or shall carry or transport any persons, goods or chattels, for pay, across the said lake within two miles of the ferry established by virtue of this act, other than the said Curtis Holgate, his heirs or assigns, such person or persons shall, for every such offence, forfeit and pay the sum of three dollars, to be recovered in any court having cognizance thereof, by any person who shall sue for the same: *Provided,* That nothing herein before contained shall be construed to preclude any person or persons within the limits of the town of Chesterfield from the right of transporting themselves, and their goods and chattels, across the said lake in their own boats.

Rates of toll.

IV. *And be it further enacted,* That the court of common pleas for the county of Essex, in their sessions, may and shall annually order and direct the several rates of toll to be taken at said ferry; and if the said Curtis Holgate, or any person employed by him, his heirs or assigns, shall receive any greater toll than shall be allowed as aforesaid, he shall forfeit and pay five dollars, to be recovered by any person who will sue therefor; and in case the said Curtis Holgate, his heirs and assigns, shall at any time, after the first day of May eighteen hundred and sixteen, neglect to keep such ferry as is

contemplated by this act, at all seasonable hours of the day, it shall be lawful for the said court to adjudge that all rights granted to him under this act shall cease and be of no effect.

CHAP. CXG.

An ACT authorising a Loan of Money to the County of Clinton, and for the purposes therein mentioned.

Passed April 14, 1816.

WHEREAS sundry inhabitants of the county of Clinton have presented their petition to this legislature, stating the loss of their public buildings in the defence of Plattsburgh against the enemy in September last, and praying a grant or loan of money to enable them to rebuild the same: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the comptroller shall pay to the order of the supervisors of the county of Clinton, the sum of five thousand dollars, either in one or several sums, as the said supervisors shall draw for the same, and shall charge the same to the said county of Clinton, but shall not charge any interest on the same. Preamble.
5000 dolls to be paid to the supervisors of Clinton co.

II. *And be it further enacted,* That the said supervisors shall annually, for five years in succession, to commence in the year one thousand eight hundred and sixteen, cause to be levied on the taxable property in the said county, and to be raised and collected in the manner that other taxes are raised and collected, the sum of one thousand dollars, over and above all charges of collection, for the purpose of reimbursing to the state the said advance; and it shall be the duty of the county treasurer, on receipt of the said money, to pay the same into the treasury of this state, for which the comptroller shall give the said county of Clinton credit. A tax to be laid on taxable property.

III. *And be it further enacted,* That the supervisors of the said county of Clinton shall meet at the village of Plattsburgh on the first Monday of May next, and may there appoint three commissioners to superintend the erection of the public buildings in the said county of Clinton, on the former site of the public buildings, on such terms and for such compensation as they may think proper. Public buildings to be erected.

IV. *And be it further enacted,* That the comptroller is hereby authorised to loan to Abraham Ogden and Isaac Ogden, a sum not exceeding three thousand dollars, to aid them in the extension of their works for the manufacture of woollen cloth, out of the first monies that shall come into the treasury arising from the school fund, at the rate of seven per cent. per annum, on their securing the payment of the interest annually, and the re-payment of the principal within five years, in the same manner as is required by law. Loan to A. & I. Ogden.

CHAP. CXCI.

An ACT appointing Commissioners to lay out and establish a State Road from Van Orman's, in the Town of Canandaigua, to Lake Erie, in the County of Niagara.

Passed April 14, 1815.

Commissioners.
Route of the road.
Proviso.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That James Ganson, Joseph McCluer and Ira Selby be, and they are hereby appointed commissioners to lay out and establish a road, beginning at Van Orman's, in the town of Canandaigua, in the county of Ontario, to the bridge to be erected across the Genesee river, near the house of Horatio Jones, conforming to and as near the present post road as may be, thence in the nearest direction, and on the best ground the country will admit, to the south-easterly shore of lake Erie, between the house of Zenas Barker, Esq. and the mouth of eighteen mile creek:*

Provided, That in the laying out of such road the commissioners shall not materially affect any valuable buildings, or other improvements, on the route to be established by them, without the consent of the owner or owners thereof.

Commissioners' duty.

II. *And be it further enacted, That it shall be the duty of the said commissioners, before they proceed in the discharge of the trust aforesaid, to take and subscribe an oath before some proper person, that they will well, faithfully and impartially, according to their respective abilities, discharge the said duties; and that when the said road shall be so laid out, it shall be the duty of the said commissioners to file a map, together with the field notes of the traverse of said road, with their names thereto subscribed, in the comptroller's office; also a map of so much of said road, together with the field notes thereof, with their names thereto subscribed, as may be in the several counties through which the said road may pass, in the clerk's office of the said several counties; and also a map of so much of said road, together with the field notes thereof, with their names thereto subscribed, as may be in the several towns through which the said road shall be laid, in the town clerk's office of the said several towns.*

Their compensation.

III. *And be it further enacted, That each of the said commissioners, for their services aforesaid, shall be allowed for each and every day they shall necessarily be employed in the discharge of the duties required of them by this act, the sum of two dollars and fifty cents; and if either of the said commissioners shall do and perform the duty of surveyor, he shall be allowed one dollar per day in addition to his pay as commissioner as aforesaid.*

Their accounts to be audited.
Proviso.

IV. *And be it further enacted, That the supervisors of the counties of Ontario, Genesee and Niagara shall audit the account of said commissioners, together with all reasonable expences attending the laying said road through the said several counties, and cause the same to be assessed, collected and paid as part of the contingent expences of said counties respectively: Provided, That each county through which said road shall run shall pay in proportion to the time spent in laying the said road.*

V. *And be it further enacted, That when and after the said road*

shall be laid out and established agreeably to the preceding sections of this act, it shall be lawful for the inhabitants of the several towns through which the same shall pass, to work upon and improve said road, in like manner as if the same had been laid out by the commissioners of highways of the said several towns.

Road how to
be worked.

CHAP. CXCI.

An ACT authorising the Commissioners of public Highways in the town of Hillsdale, to lay out Roads less than four rods wide.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall hereafter be lawful for the commissioners of highways of the town of Hillsdale, to lay out public highways within the said town, of a width not less than two, nor more than four rods wide, any law to the contrary notwithstanding.

CHAP. CXGIII.

An ACT authorising the supervisors of the county of Cortland to lease lot number eighty-five, in the town of Homer.

Passed April 14, 1815.

WHEREAS the supervisors of the county of Cortland, have by their petition, presented to the legislature, requested that a law might be passed, granting to them the right of leasing lot number eighty-five, in the town of Homer, in said county, for the period of twelve years, and to apply the rents and profits thereof to the support of common schools in said county; and whereas, by an act passed April 13th, 1813, entitled "An act to authorise the sale of lands appropriated for the promotion of literature," it is among other things enacted that said lot number eighty-five, in the town of Homer, be appropriated to the support of academies in said county, in such manner as the legislature shall hereafter direct; and whereas there are not at this time any academies in the said county, for whose benefit the proceeds and profits of said lot can be applied: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the county of Cortland, to meet on the first Tuesday in May next, at the court-house in said county, and when so convened, they are hereby authorised and required to cause said lot number eighty-five to be surveyed and divided into such and so many small lots, as to them shall appear discreet and proper, keeping in view the future interest and value of said lot; and to lease the same, being so divided and surveyed, by written indenture of lease or leases, under their or a majority of their hands and seals, and upon such terms, and for such period of time, (not exceeding twelve years) as they in their discretion shall deem fit and*

Lot no. 85 in
Homer, to be
subdivided
and leased.

Proviso.

proper : And further, to cause counterparts of the said lease or leases, when so executed under their, or a majority of their hands and seals, and under the hands and seals of the person or persons to whom the said lot or lots are so leased as aforesaid, to be filed in the office of the treasurer of the county of Cortland, to be by him kept among the county papers of the said county : *Provided nevertheless*, That if an academy shall be incorporated within the said county of Cortland, before the expiration of the leases which may be made by virtue of this act, then the rents reserved in the said leases shall thereafter belong to the trustees of said academy, and shall, when collected, be paid over by the supervisors of the said county, to the said trustees.

Monies to be paid to the county treasurer.

II. *And be it further enacted*, That the said lease or leases so made as aforesaid, shall be binding and effectual in the law, to all the intents and purposes of this act, upon the person or persons concerned or to be affected thereby ; and the supervisors are hereby authorised and empowered, and it is made their duty, upon the payments of the sums of money becoming due on the said lease or leases, to demand, sue for, recover and receive the same, of and from the person or persons from whom the said sums of money shall be respectively due and owing ; and when so received by the said supervisors, or by the treasurer of the said county, who is hereby authorised and empowered to receive the same, to pay the said sums of money into the county treasury of the said county of Cortland.

And appropriated for the support of common schools.

III. *And be it further enacted*, That upon the payment of the rents and profits of said lot of land, into the office of the said treasurer, he is hereby authorised and directed to pay over and distribute the same among the several towns of the county of Cortland, for the use of common schools in said towns, in the same manner, and according to the same rules and regulations as are prescribed by the act, entitled " An act for the establishment of common schools."

CHAP. CXCIV.

An ACT to amend an act, entitled " An act to incorporate the Highland Turnpike Company."

Passed April 14, 1815.

Time extended for completing the road.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the time limited in and by the seventeenth section of the act hereby amended, for the completion of the road therein mentioned, shall be, and hereby is extended to the period of sixteen years, from and after the passing of the said act, any thing in the said seventeenth section to the contrary notwithstanding.

Persons residing near the road may work thereon instead of highways.

II. *And be it further enacted*, That it shall and may be lawful for each and every person residing upon the said turnpike road, in any town intersected by such turnpike road, and liable to be assessed to work upon highways in such town, to elect to work either upon the said turnpike road, or upon the other roads and high-

ways in such town, upon which they are now liable to be assessed to work, and to notify such election to the commissioners of highways in such town, eight days before their annual meeting for assessing the inhabitants of such towns to work upon highways ; and in every case in which any person or persons residing upon such turnpike road shall elect to work upon such road, it shall be the duty of the commissioners of highways to assess them accordingly, in like manner as the other inhabitants, and to deliver upon request such assessment in writing to the president and directors of the said company ; and it shall and may be lawful for the said president and directors, from time to time, and as often as they may deem it necessary, at convenient and proper seasons, to warn all such persons so electing and residing on the said road, to come and work out on the said road their highways assessments ; *Provided nevertheless, and it is hereby enacted*, That the profits arising from the monies hereafter to be received for tolls upon the said road shall be appropriated by the said president and directors to the completing and finishing of the said road, before any dividend thereof be made amongst the stockholders of the said company : *And provided also*, That whenever the said stockholders (after completing the said road) shall be able to make any dividend upon their said stock, the inhabitants residing on said road shall again perform the labor which they may be assessed on their respective public highways, in the same manner as if this act had not been passed.

III. *And be it further enacted*, That it shall not be lawful for any person or persons crossing Croton bridge, and riding any horse or mule, or driving any carriage, team, cattle, horses or mules, to travel faster than on a walk ; and that any person or persons who shall, in passing over said bridge, designedly or wilfully ride any horse or mule, or drive any carriage, team, cattle, horses or mules faster than on a walk, shall forfeit and pay a penalty of one dollar for each and every such offence, to be sued for and recovered by and in the name of the president and directors of the Highland turnpike company, in an action of trespass, in any court having cognizance of the same, which action shall in every instance be considered transitory in its nature : *Provided* the said president and directors shall cause a notice, lettered in large capital letters, of the above penalty, to be affixed at some public and conspicuous place at each end of the said bridge.

IV. *And be it further enacted*, That the said president and directors shall as soon as may be after the passing of this act, cause a good and sufficient guard fence to be erected upon said road, near the south bank of Croton river, and at every other place upon the said road where the same may be necessary.

V. *And be it further enacted*, That the said company shall not hereafter place or maintain on the said road, any gates at a less distance than ten miles from each other.

VI. *And be it further enacted*, That this act shall be, and the same is hereby declared to be a public act.

Proviso

Penalty for crossing Croton bridge with horse, &c. faster than on a walk.

Guard fences to be erected.

Gates to be at the end of ten miles.

This is a public act.

An ACT declaring part of Flint Creek, in the County of Ontario, a Public Highway.

Passed April 14, 1815.

Description. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all that part of Flint creek, in the county of Ontario, beginning at and immediately below the bridge over the same, near the house of Enoch Bardwell, in the town of Middlesex, thence down the said creek to Edward Craft's mill-dam, (so called) in the town of Gorham, thence through a canal to be cut or dug around the same in manner as herein after mentioned, for the purpose of navigation into the said creek, and thence down the said creek to the mill-dam of John Warden, (so called) in the town of Seneca, thence through a canal to be cut or dug around the same, in manner as herein after mentioned, for the purpose of navigation into said creek, and thence down the said creek to the mill-dam of Leonard Isenour, in the town of Seneca aforesaid, be,
Provided and the same is hereby declared to be a public highway : *Provided however,* That the owners of adjoining lands may erect mills, or other water works, on the said creek, so that the same shall not obstruct the navigation thereof.

Creek how to be cleared. II. *And be it further enacted,* That it shall and may be lawful, after the passing of this act, for the owners of lands adjoining the said creek, at their own expence, to open and clear the said creek of all obstructions ; and also to cut or dig a canal, not less than twenty feet wide, from the upper part of Craft's mill-dam (so called) to intersect the said creek below the tail race of the said mill, and to secure the said canal with a flood-gate and lock, if necessary, for the purposes of navigation ; and also to cut or dig a canal, not less than twenty feet wide, from the upper part of Warden's mill-dam (so called) to intersect the said creek below the tail race of said mill, and to secure the said canal with a flood-gate and lock, if necessary,
Provided. for the purposes of navigation : *Provided however,* That such canals shall not be cut or dug without the consent of the legal owner or owners of the mills aforesaid : *And provided further,* That the said canals, when completed as aforesaid, shall forever thereafter be part of the said public highway hereby declared.

Penalty for injuring or obstructing the navigation. III. *And be it further enacted,* That if any person or persons shall, after the passing of this act, dam up or obstruct the navigation of the before described part of the creek aforesaid, or of the canals aforesaid hereby declared to be a public highway, by erecting or building any mill or wier, or by the building thereon any other works, every such person so offending shall forfeit for each offence, a sum not exceeding two hundred dollars, to be recovered, with costs of suit, by any person who will sue for the same in his own name, in any court having cognizance thereof ; and that if any person or persons shall, after the first day of September next, throw, cut or fell any wood or timber into the before described part of the creek aforesaid, or of the canals aforesaid, such person so offending shall forfeit for each offence, the sum of five dollars, to be recovered as aforesaid ; and after first deducting all necessary and just charges

and expences of the prosecutor in and about the recovery of any sums for offences against this act, the residue shall be paid over to the supervisors of the county of Ontario, who shall cause the same to be applied to the purpose of improving the said public highway, and keeping the same free from obstructions : *Provided nevertheless*, That if any person or persons erecting or building a mill or mills, or other works, on that part of said creek hereby declared to be a public highway, shall cut or dig a sufficient canal, so that the navigation of the same be not injured by means of such works, that the said person or persons shall not be liable to the penalties of this act ; nor shall any person or persons be liable to the penalties of this act who shall fall or throw timber in the said creek, if said timber be removed within ten days after the same has been so fallen or thrown therein : *And provided also*, That nothing in this act contained shall be construed to extend to or affect any mill or mills, or any dam for the use thereof that may have been erected, or the building thereof commenced on said stream before the passing of this act.

Provide.

Provide.

IV. *And be it further enacted*, That all bridges to be hereafter built and erected by and under the authority of the towns of Middlesex, Gorham and Seneca, or either of them, over that part of Flint creek hereby declared to be a public highway, shall be so constructed as not to obstruct the navigation thereof.

Bridges thereon, how to be built.

CHAP. CXCVI.

An ACT authorising Thomas M'Burney to erect a Dam across the Canestee River, in the County of Steuben.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thomas M'Burney is hereby authorised to erect a dam, not to exceed four feet in height, across the Canestee river, in the county of Steuben, where the Butler lot, so called, now owned by the said Thomas M'Burney, situate in the Gore, in the town of Canestee, crosses the said Canestee river, for the purpose of erecting mills : *Provided*, That the said Thomas M'Burney shall erect an apron or lock in the said dam, of such construction as to render the passage safe and easy for arks, rafts and boats common in said river, at all times during the continuance of the said dam : *And provided further*, That if the passage aforesaid shall at any time be obstructed, this act shall be absolutely void.

CHAP. CXCVII.

An ACT declaring certain waters in the county of Steuben Public Highways.

Passed April 14, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the waters of Little lake

Little lake & Mud lake, public highways.

and Mud lake, and the strait by which they are connected, in the county of Steuben, and the waters of Mud creek, beginning immediately below Frederick Bartle's mill-dam; thence down the said creek to its junction with the Conchocton river and Mead's creek, in the town of Painted Post, in the county aforesaid, from Thomas M'Burney's mill to its junction with the Conchocton river and Stockton's creek, seven miles up it from its junction with the said Conchocton river, in the town of Bath, and county aforesaid, be, and they are hereby declared public highways: *Provided however*, That the owners of the adjoining lands may erect mills, or other water works, store houses or docks on the said waters, so that the same shall not obstruct the navigation thereof: *And provided further*, That nothing herein contained shall affect any mill-dam or dams heretofore erected on said Mud creek in pursuance of and under the restrictions contained in an act of the legislature of the state of New-York, entitled "An act declaring certain waters in the counties of Steuben and Chenango to be public highways, and repealing part of the act entitled "An act to regulate highways," passed April 5th, 1802.

Proviso.

Penalty for
damming up or
obstructing
the naviga-
tion.

II. *And be it further enacted*, That if any person shall, after the passing of this act, dam up or obstruct the navigation of the before described waters, by erecting or building any mill, dam or wier, or building or erecting thereon any other works, or by cutting or falling wood or timber in the same, every person so offending shall forfeit for each offence, the sum of twenty-five dollars, to be recovered, with costs of suit, by and for the use of any person who will sue for the same, before any justice of the peace; and the person so offending shall also be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment: *Provided however*, That if any person or persons erecting or building a mill or mills, or other works, on either of the above described streams shall cut or dig a sufficient canal or canals, or erect suitable locks, so that the said streams may be safely navigated, that the said person or persons shall not be liable to any of the penalties of this act: *And provided further*, That nothing in this act contained shall be construed to extend to or affect any mill or mills, or any dam for the use thereof, that may have been erected, or the building thereof commenced, on Mud creek, previous to the fifth day of April, in the year of our Lord one thousand eight hundred and two.

Proviso.

III. *And be it further enacted*, That all persons who may have erected, before the passing of this act, a mill or mills on Stockton's creek above mentioned, shall be entitled to the privileges contained in the first provisos in the first and second sections of this act.

CHAP. CXCVIII.

An ACT to establish the boundary line between the counties of Broome and Cortland.

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the passing

of this act, all that part of the line between the counties of Broome and Cortland lying west of the Onondaga branch of the Chenango river, shall be as follows, viz. beginning at the south-east corner of lot number six hundred, one of the lots of the Boston ten townships, (so called) running thence westerly on the south line of the north tier of the short or square lots, so called, to the west line of the county of Cortland and the tier of lots called the long lots, and the north tier of the short or square lots, so called, shall hereafter belong to the county of Cortland, and the line here described shall hereafter be the boundary line between that part of the counties of Broome and Cortland, any thing in any former act to the contrary notwithstanding.

Boundary line between Broome and Cortland counties, established.

II. *And be it further enacted*, That the arrears of taxes returned and admitted at the comptroller's office, on lands deemed by the comptroller to be in Broome county, but which appears, and by this act are declared to be situate in Cortland county, shall be considered as belonging to Broome county, and the said returns so admitted are hereby declared valid, and shall be considered as returned from Cortland county.

Arrears of taxes how to be returned.

III. *And be it further enacted*, That the record of all title deeds in either of the said counties of Broome or Cortland, respecting real estates, supposed at the time of recording such deed to be in the county in which it was recorded, whether the same is situate in the county in which the deed is so recorded or in the other county, shall be as good, valid and effectual as if it had been recorded in the county in which the said lands are situate.

Certain records of deeds made valid.

CHAP. CXCIX.

An ACT to amend an act entitled "An act concerning the commissioners of the land-office, and the sale of unappropriated lands, and for other purposes."

Passed April 14, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the powers of the commissioners of the land-office granted by the fourth section of the act hereby amended, be, and the same are hereby extended to the lands under water on navigable lakes, and to the lands under water adjacent to and surrounding Staten-Island: *Provided*, That no grant to be made in pursuance hereof shall interfere with any rights of the corporation of the city of New-York, nor extend more than five hundred feet into the water from low water mark.

Grants may be made of lands under the waters of lakes and at Staten Island.

II. *And be it further enacted*, That in every case where any person to whom a grant of land has or shall be ordered pursuant to any law of this state, shall, before the perfecting such grant, die, the heirs or devisees of every such person shall be entitled to such grant upon their complying with the conditions upon which the grant was to have been made; and in case that any monies shall remain due to the state on account of the consideration of such lands so ordered to be granted, and that the execution of the securities for the payment of such consideration, or any part of it, shall

Grants how to be made in certain cases.

New ac-
counts to be
opened with
miners.

appear to be one of the conditions required of the grantee, the heirs and devisees, if of age, shall execute them; but in case they shall not be of age, the treasurer and comptroller shall open an account with them for such consideration, in their offices respectively, and the treasurer shall receive payment and give receipts on such account; and when such account shall be paid in full, the grant shall issue to the said heirs or devisees; and in case of default in the payment of the monies due on such account, according to the condition of the grant, the commissioners of the land-office may direct the surveyor-general to sell the land at public auction.

The Hinch-
ley Act revived.

III. *And be it further enacted*, That the first section of the act passed the eighteenth day of February, one thousand eight hundred and fourteen, entitled "An act to amend an act, entitled 'an act concerning the commissioners of the land-office, and the sale of unappropriated lands,'" passed the 6th of April, 1813, be, and the same is hereby repealed, so far as it may affect persons who have made improvements on any lots of unappropriated lands on or before the time therein mentioned; and that all such persons shall have the right of pre-emption given by the said act, passed April 6th, 1813, of the lands heretofore surveyed, until the expiration of one year from and after the passing of this act.

S. Messen-
ger, jr. requi-
red to comply
with certain
laws.

IV. *And be it further enacted*, That unless Samuel Messenger, junior, his heirs or assigns, shall, on or before the first day of January next, comply with the requisitions of the act entitled "An act authorising a grant of land to Samuel Messenger, junior, and the privilege of damming the Chitteningo creek, with certain restrictions," passed 31st March, 1803, and the twelfth section of the act entitled "An act relative to unappropriated and forfeited lands, and for other purposes," passed 11th April, 1804; and unless Theophilus Anthony, his heirs, devisees or assigns, shall, on or before the first day of March next, apply for a tract of land authorised by law to be granted to him, by an act authorising grants of lands to Theophilus Anthony and Joseph Fish, passed 6th of April, 1801, and shall also comply with the conditions of the said act, then all the rights and privileges in and by the said acts and the said section, granted to the said Samuel Messenger, junior, and the said Theophilus Anthony, shall cease and become void: *Provided*, That the commissioners of the land-office may, on the receipt of one fourth part of the money directed to be paid by the act aforesaid by the said Theophilus, issue letters patent to him, his heirs, devisees or assigns, taking his or their bond and mortgage for the residue, with interest at the rate of seven per cent. payable annually in six equal yearly payments: And farther, it shall be the duty of the secretary of this state forthwith to inform the said Samuel Messenger, junior, and Theophilus Anthony, or their several heirs, devisees or assigns, of the passage of this act by publication of this section in the paper printed by the state printer, one newspaper printed in the town of Poughkeepsie, and one other printed in the county of Oneida.

And Theo-
philus Antho-
ny.

Proviso.

Whereas by the second proviso of the twenty-first section of the act entitled "An act concerning the commissioners of the land-office and the sale of the unappropriated lands," the commissioners of the land-office are prohibited from granting to any one applicant

more than two lots of the lands that may be exposed to sale at public auction, and remain unsold; and it is found that such restriction has not answered the purpose for which it was intended, but has tended to embarrass the sales of the unappropriated lands: Therefore,

V. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said proviso be and the same is hereby repealed, so far as it respects all lands lying in the Eastern District of this state, and that the surveyor-general be authorised to grant his certificates of purchases made pursuant to the said twenty-first section, and for which no certificates have been given, in the same manner as if the aforesaid proviso had not been enacted.

Sales of land
in the eastern
district how
to be made.

CHAP. CC.

An ACT for the relief of James Miner.

Passed April 14, 1815.

WHEREAS James Miner, late sergeant in the state-prison guard, by his extraordinary exertions in extinguishing the fire which broke out in the state-prison in the month of August, 1813, did receive an injury which endangered his life, and which has totally deprived him of the use of one of his legs, and from which there is little or no hopes of his recovery; in consequence of which misfortune he was dismissed that service, and is thereby deprived of the means of future support: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the treasurer of this state, on the warrant of the comptroller, to pay forthwith to the said James Miner, out of any monies not otherwise appropriated, the sum of one hundred dollars, and the further sum of sixty dollars yearly and every year hereafter, during the natural life of him the said James Miner, payable quarter yearly, on the first days of July, October, January and April in each year: *Provided nevertheless,* That if at any time hereafter the said James Miner shall so far recover, that in the opinion of the superintendents of the state-prison it shall be thought prudent or expedient to restore him the said James to his former rank and standing in the said guard, that then the above annual stipend shall cease to be paid during his continuance in such service, on his receiving the usual wages and compensation for such service; and in case the said James Miner shall refuse to accept such offer, and to return to such service, that from and after such refusal (the comptroller being thereof duly notified) the provisions of this act shall become utterly void, any thing in this act contained to the contrary notwithstanding.

CHAP. CCI.

An ACT to amend an act, entitled "An act to increase the rates of toll for crossing the Mohawk Bridge at the city of Schenectady, and for other purposes," passed March 24, 1815.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the president, directors and company of the Mohawk bridge company be, and they are hereby invested with a discretionary power to mitigate the rates of toll at present made payable by the law hereby amended for passing the Mohawk bridge, to such extent and for such period or periods of time as the said president, directors and company shall from time to time deem for the interest of said company.

II. *And be it further enacted,* That in case the said corporation do and shall mitigate their tolls in respect to the persons and for the time mentioned in an agreement of the tenth day of April instant, signed by Henry Yates, jun. and others, a committee of the city corporation, James Boyd and Samuel Lee, a committee of the citizens, and Daniel Martin, president of the company, and do in all things conform to such agreement, then and from the end of the period named in the said agreement, the exceptions or proviso contained in the first section of the act hereby amended, relating to waggons and sleighs employed in carrying wood into the first and second wards of the city of Schenectady, and to waggons passing in their ordinary farmers work to and from their lands and farms lying in the city of Schenectady, be, and the same is hereby repealed, and in the mean time the said proviso shall be suspended.

CHAP. CCII.

An ACT for the preservation of cotton, woollen and linen Manufactories from damage by fire.

Passed April 17, 1815.

Companies
employing 50
persons may
make by-laws
&c.

Firemen may
be appointed

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the president and directors of any company incorporated for the purpose of manufacturing cotton, woollen or linen yarns or cloths, and whose capital actually employed for such purpose shall exceed the sum of twenty-five thousand dollars, the number of persons actually employed in and about such manufactory shall not be less than fifty, to make, ordain and prescribe such by-laws and regulations within the limits of any parcel of land purchased by such company for that purpose, not exceeding twenty-five acres, as they may deem proper for the better preservation of property from fire within the limits of such parcel of land; and it shall and may be lawful for such president and directors, or a major part of them, to appoint, under the common seal of the said corporation, a sufficient number of men, willing to accept, residing within such limits, and not exceeding the number of twenty to every fire-engine now

provided or hereafter to be provided for the use of such establishment, to have the care, management, working and using the said engines, and the other tools and instruments now or hereafter to be provided for the extinguishing of fires, which persons so to be appointed shall be called the firemen of such establishment; and while they respectively hold the said appointment shall be exempted from serving as jurors; and the certificate of the directors, or their authorized agent, under the seal of the said company, shall be evidence of the appointment of such firemen in all cases.

II. *And be it further enacted*, That all articles of machinery, materials for manufacturing, or manufactured articles belonging to any such company, shall be free from seizure by execution or distress, for any debts or claims for rents or services, in whose hands soever they may be, except such execution or claim be against such company. Certain articles to be exempted from distress and sale.

CHAP. CCIII.

An ACT authorising Isaac Osgood and Benjamin Booth to erect, a Dam across the Butternut Creek, in the county of Onondaga.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Isaac Osgood and Benjamin Booth, of the town of Manlius, in the county of Onondaga, to erect a dam across the Butternut creek, at or near Young's Ville, in said town, for the purpose of supplying mills or other works with water; and it shall be the duty of the said Isaac Osgood and Benjamin Booth, and their heirs and assigns, to cause to be made in said dam a lock or canal to permit the passage of boats with ease, not less than twelve feet in width, so soon as the said creek shall be cleared and become navigable for boats, which lock or canal all persons shall pass with boats, or other water craft, free of expence, and also to keep the said lock or canal in good repair as long as the dam shall exist or impede the passage of boats; and if the said Isaac Osgood and Benjamin Booth, their heirs or assigns, unreasonably delay or hinder any person with boats from passing such lock or canal, he or they shall for every such offence forfeit and pay two dollars for every hour's detention, to be recovered, with costs, to the use of the person so delayed or hindered, before any justice of the peace in said county of Onondaga. Dam may be erected. With a lock or canal.

II. *And be it further enacted*, That if the said Isaac Osgood and Benjamin Booth, their heirs or assigns, shall at any time while the said dam shall exist, or after the said lock or canal shall be finished, suffer the said lock or canal to be out of repair seven days in succession, so as to prevent boats or other water craft from passing, then and in such case this act shall cease and be void, and all rights granted to the said Isaac Osgood and Benjamin Booth shall cease and be revoked. Lock to be kept in repair.

III. *And be it further enacted*, That it shall be the duty of the judges of the court of common pleas of the county of Onondaga, or The judges of Onondaga co. to inspect the work when finished

And give a certificate of the fact. any three of them, not interested in said dam, to examine and decide when the said creek shall become cleared and navigable for boats, and their certificate of the fact filed in the clerk's office, shall be conclusive evidence of the same; and the said Isaac Osgood and Benjamin Booth, their heirs and assigns, shall, within two months after such certificate shall be filed, and notice thereof to them given, erect, make and complete the said lock or canal in manner aforesaid, on pain of forfeiting all the rights granted to them by this act.

To be revoked if the dam creates damage. IV. *And be it further enacted*, That if the erection of said dam shall be found productive of damage to the public or individuals, by the overflowing of their lands lying in its vicinity, the authority to the said Isaac Osgood and Benjamin Booth, their heirs and assigns, shall and may, on proof of such damage, be revoked by the court of common pleas of the county of Onondaga.

CHAP. CCIV.

An ACT in addition to the "Act concerning the Council of Revision, the Council of Appointment, and the great and Privy Seal of this state."

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That whenever any new general commission of the pleas, or any new general commission of the peace for any county shall be received at the clerk's office of such county, the clerk shall forthwith give notice thereof to all persons then in commission and not named in such new general commission; and from the time of receiving such notice, or in case of failure of being so notified, from and after the expiration of thirty days from the time of the receipt of such commission at the clerk's office as aforesaid, every judge, other than the first judge, every assistant justice and justice of the peace, shall cease to act in his said office, unless specially authorised by statute to proceed in business already commenced.

CHAP. CCV.

An ACT to regulate the fees of the Harbor Masters of the port of New-York.

Passed April 17, 1815.

Fees to be allowed to the harbor-masters on vessels of the U. States.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the first day of May next, the following fees shall be substituted and allowed, in lieu of the fees authorised and allowed in and by the two hundred and seventy-ninth section of the act hereby amended, to be demanded and received by the harbor-masters of the port of New-York, that is to say: on all ships or vessels of the United States, which shall arrive at the port of New-York, from any port or place without this state, other than some port or place in an ad-

joining state, and which shall enter the said port of New-York and load and unload, or make fast to any wharf therein, at and after the following rate, viz. on all such ships or vessels not exceeding the burthen of one hundred tons, the sum of one dollar and fifty cents; on all such ships or vessels above the burthen of one hundred and not exceeding two hundred tons, the sum of three dollars; and on all such ships or vessels of greater burthen, in the same proportion; the burthen of such ships or vessels to be in all cases ascertained by the respective registers or enrollments: And also, on all foreign ships or vessels which shall arrive at and enter the said port, and load, unload or make fast to any wharf therein, double the amount of the fees above specified, according to the rate of tonnage or burthen of said ships or vessels respectively, to be ascertained by their respective registers or other documents on board the same.

On foreign vessels.

II. *And be it further enacted*, That the master, owner or consignee, of any ship or vessel subject to the payment of fees to the harbor-masters as aforesaid, shall, within forty-eight hours after the arrival of such ship or vessel, pay the fees so due thereon, at the office of the said harbor-masters, or one of them; and in default of such payment, if the same shall have been first duly demanded, such master, owner or consignee, on whom such demand shall have been previously made, shall forfeit and pay double the amount of such fees, to be sued for and recovered in the names, and for the use of the said harbor-masters, in any court having cognizance thereof.

Duty of masters, owners or consignees.

III. *And be it further enacted*, That whenever the said harbor-masters shall be required to remove, or a second time to station any such ship or vessel at any wharf in the said port, or to interfere and adjust any difference or dispute respecting the birth, position or fastening of any such ship or vessel, it shall be lawful for the said harbor-masters to demand and receive from the person or persons requiring their aid in the premises, and before they shall be bound to exercise their authority therein, the sum of one dollar and fifty cents, and the like compensation shall also be allowed and paid in like manner, in every subsequent instance in which they shall be called on and required to act or interfere as aforesaid, in respect to any such ship or vessel.

Fees allowed when vessels are removed or differences adjusted.

IV. *And be it further enacted*, That whenever the said harbor-masters shall be required to interfere and adjust any difference or dispute respecting the situation or position of any ship or vessel not subject to the payment of fees under the preceding sections of this act, it shall be lawful for the said harbor-masters to demand and receive from the person or persons requiring their aid and interference in the premises, and before they shall be bound to exercise their authority therein, the sum of one dollar and fifty cents, and the like compensation shall also be allowed and paid in like manner, in every subsequent instance in which they shall be required to aid or interfere as aforesaid, in respect to such ship or vessel.

On vessels not subject to the fees in the preceding section.

V. *And be it further enacted*, That whenever it may become the duty of the said harbor-masters, in conformity with the 277th section of the act hereby amended, to exercise their authority in causing to be removed any nuisance in or upon any docks or wharves in

On removing nuisances from the docks or wharves.

the city of New-York, and the person or persons whose duty it shall be to remove such nuisance, shall refuse or neglect to remove the same within forty-eight hours after notice from the said harbor-masters, or one of them, requiring such person or persons to remove the same, the said harbor-masters may thereupon demand and receive from such person or persons so neglecting or refusing, the sum of two dollars and fifty cents ; and in case of the non-payment thereof on demand, the same may be sued for and recovered, in the names of, and for the use of the said harbor-masters, in any court having cognizance thereof.

CHAP. CCVI.

An ACT authorising the Justices of the Supreme Court to hold a Circuit Court and Court of Oyer and Terminer and General Gaol Delivery, for the county of Warren.

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the justices of the supreme court are hereby required to hold a circuit court and court of oyer and terminer and general gaol delivery in and for the county of Warren, on Thursday the sixth day of July next, at the place where the courts of common pleas have heretofore been held for said county.

CHAP. CCVII.

An ACT to amend the act, entitled " An act relative to the University."

Passed April 17, 1815.

WHEREAS the regents of the university, in their report to the legislature, have suggested an amendment of the law in respect to their meetings, and the same appearing to be reasonable : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That if any regent (except such as reside in the city of New-York) shall not attend at least once at any of the meetings of the regents to be held during any session of the legislature, when by law they are required to meet, without some just cause satisfactory to the board of regents, such non-attendance shall be deemed a resignation of their seats, and it shall be the duty of the regents to report to the legislature, from time to time, the names of the members whose seats shall thus become vacant, to the end that the same may be supplied.

CHAP. CCVIII.

An ACT respecting the four great Senatorial Districts of this state.

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Tuesday in May, one thousand eight hundred and fifteen, the four great districts of this state for the election of senators, shall respectively comprehend the following counties, to wit: The southern district, the city and county of New-York, the counties of Kings, Queens, Suffolk, Richmond, Westchester, Putnam, Dutchess and Rockland, and shall elect six senators; the middle district, the counties of Orange, Ulster, Sullivan, Delaware, Greene, Schoharie, Columbia, Otsego, Chenango, and the city and county of Albany, and shall elect nine senators; the western district, the counties of Oneida, Madison, Onondaga, Cayuga, Seneca, Ontario, Niagara, Genesee, Chautauque, Allegany, Steuben, Tioga, Cortland, Broome and Cattaraugus, and shall elect nine senators; the eastern district, the counties of Rensselaer, Washington, Warren, Essex, Franklin, Clinton, Saratoga, Schenectady, Montgomery, Herkimer, Lewis, Jefferson and St. Lawrence, and shall elect eight senators.

Southern district.

Middle.

Western.

Eastern.

II. *And be it further enacted,* That the several senators to be elected at the next anniversary election, and which have heretofore been elected, shall severally be considered as elected for the several districts within which they respectively reside at the time of such election, according as the districts are defined by the first section of this act.

Senators to represent the districts in which they reside when elected.

CHAP. CCIX.

An ACT concerning the lands lately purchased from the christian party of the Oneida Indians.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the surveyor-general shall cause the lands purchased at a late treaty with the christian party of the Oneida Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, excepting what is otherwise directed to be disposed of, in the manner and on the conditions mentioned in the act, entitled "An act concerning the commissioners of the land office, and the sale of unappropriated lands:" *Provided,* That no occupant or settler on said lands, other than Indians, shall be entitled to a remuneration for improvements; and that no improved land occupied by any Indian, shall be sold till he shall have relinquished or released his improvement to the people of this state, if such improvement shall be of the value of twenty dollars.

Tract to be surveyed.

Provided.

Grant to J.
Sherwin, A.
De Ferriere &
G. Helmer.

II. *And be it further enacted*, That the commissioners of the land office shall grant letters patent to Joshua Sherwin, for ten acres of land; to Angel Ferriere, for fifty acres of land; and to George Helmer, for one hundred acres of land, out of said lands, according to a certain stipulation in said treaty; and that no location shall be permitted to be laid on any part of the said lands, besides that which is authorised by the act, entitled "An act granting the pre-emption right to certain lands to William Sternbergh," passed 14th March, 1815.

Proceeds
paid into the
treasury.

III. *And be it further enacted*, That the monies arising from the sales of said lands shall be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

CHAP. CCX.

An ACT to divide the town of Cambridge into three towns.

Passed April 17, 1815.

Town of
Jackson e-
rected.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all that part of the town of Cambridge, in the county of Washington, beginning at the turnpike bridge crossing Batten kill, thence down said kill until it intersects the line of the town of Easton; thence southerly on the line of the towns of Easton and Cambridge, to the highway near the dwelling-house of William Cole, in said town of Cambridge; thence easterly on said road, near to and passing the dwelling-house of Jonathan Pallman; then easterly on the said highway, to William Stevenson's store in said town of Cambridge; then east between the dwelling-house and store of the said William Stevenson, to the road running through the farm of Solomon Dean, Esquire; thence eastwardly to the south-east corner of Lemuel Bowers' farm; thence eastwardly to the north-west corner of Edward Dilan's farm; thence eastwardly to the Vermont line, west of the dwelling-house of William Worden, in Vermont; thence northwardly along the Vermont line to Batten kill; thence down said kill to the place of beginning, shall be, and is hereby erected into a separate town, by the name of Jackson, and that the first town meeting be held at the dwelling-house of Joseph Branch.

White-Creek
erected.

II. *And be it further enacted*, That all that part of the town of Cambridge, to wit: beginning at the turnpike bridge crossing the Hoosick river; thence northwardly on the turnpike road, until it intersects the south line of the aforesaid town of Jackson; thence easterly on the south bounds of the said town of Jackson, to the Vermont line; thence southerly, on the west line of Vermont, to the south-east corner of the now town of Cambridge; thence westerly along the south bounds of the said town of Cambridge, until it intersects the Hoosick river; thence down said river to the said turnpike bridge or place of beginning, shall be, and is hereby erected into a separate town of White Creek, and the first town meeting shall be held at the dwelling-house lately occupied as an inn or a tavern, by James Demming, near the place known by Waite's corner; and that all the remaining part of the said town of Cambridge, shall be and remain a separate town by the name of Cambridge, and

that the first town meeting shall be held at the dwelling house of Joseph Palmer, formerly owned by Robert Miller.

III. *And be it further enacted*, That this act shall take effect from and after the first day of April next.

CHAP. CCXL.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Rawsonsville, in the County of Montgomery.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the district of country contained within the following bounds, to wit : beginning at a certain elm tree standing on the lands of John Banta, east of the paper mill, and running thence south thirty degrees east one fourth of a mile, then running westerly at right angles three fourths of a mile, then northerly at right angles one half mile, then easterly at right angles three fourths of a mile, thence south thirty degrees east one fourth of a mile, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Rawsonsville.

Bounds of the village.

Name.

II. *And be it further enacted*, That all the freeholders and inhabitants who are qualified to vote at town meetings, and shall reside in the aforesaid limits, may, on the third Tuesday of May next, meet at the house of David Weatherbe in said village, and then and there proceed to choose four persons, each of whom shall be a freeholder in the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified ; and any one or more of the justices of the peace residing in said village shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen trustees ; and on every third Tuesday in May after the first election of trustees there shall in like manner be a new election of trustees ; and if no such justice of the peace should be present to preside at such meeting, a majority of such freeholders and inhabitants present may choose a chairman to preside at such election, who shall determine what persons are duly chosen trustees.

Trustees to be chosen.

III. *And be it further enacted*, That all the freeholders and inhabitants residing in said village be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "The trustees of the village of Rawsonsville," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatever, in all manner of actions, complaints and causes whatever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

Style and powers of the trustees.

IV. *And be it further enacted*, That the said trustees so to be elected on the third Tuesday of May next, and their successors, are

In purchasing land.

hereby authorised and empowered to purchase and hold any lands lying or being within the limits of the said village, to them and their successors forever, to and for the use and benefit of the freeholders and inhabitants of the said village.

In making
by-laws.

V. *And be it further enacted*, That the said freeholders and inhabitants, at their annual meetings to be held as aforesaid, and at such other times in the year as the said trustees, or a majority of them, may think proper to advertise for the purpose, shall be, and they are hereby authorised and empowered, from time to time, to make, ordain, constitute and establish such prudential rules, orders and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary to compel the house-keepers in the said village to clean their chimneys, and the owners of dwelling-houses therein to furnish their respective dwelling-house with a sufficient number of fire buckets, and with necessary tools and implements for extinguishing fires, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding four dollars for every offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said freeholders and inhabitants, by an action of debt, before any justice of the peace residing in the towns of Broadalbin or Mayfield: *Provided*, That such by-laws, rules and regulations shall not be inconsistent with the constitution and laws of the United States or of this state.

Proviso.

Clerk to be
chosen.

VI. *And be it further enacted*, That the said trustees so to be chosen as aforesaid, and their successors, shall and may, from time to time, constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations made by the said freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for that purpose, and also to do and perform all such matters and things as the said trustees, or a majority of them, shall lawfully, from time to time, direct and appoint.

Firemen may
be chosen.

VII. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, or the major part of them, to elect, nominate and appoint a sufficient number of firemen, willing to accept, not exceeding twenty in number, out of the inhabitants residing in the said village, to have the care, management, working and use of the said fire-engine or engines which may belong to the said freeholders and inhabitants, and also all the tools and implements for extinguishing fires; and the said trustees, or the major part of them, are hereby authorised and empowered to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint; and also to make, establish and ordain such rules, orders and regulations for the government, conduct, duty and behaviour of such firemen as to them shall appear necessary and proper.

Money may
be raised by
tax.

VIII. *And be it further enacted*, That it shall and may be lawful for the said freeholders and inhabitants, at their annual meeting for electing trustees, by a majority of votes, to determine what sum

in the aggregate shall be raised, levied and collected from the said freeholders and inhabitants of said village, to enable them to purchase a fire-engine or engines, and to make wells and reservoirs of water, and to erect a building for the preservation of such engine or engines, and the tools and implements for extinguishing fires; and thereupon the said trustees shall apportion the sum to be raised among the said freeholders and inhabitants according to the value of their houses, buildings and property liable to be destroyed by fire in the said village; and shall by their warrant, appoint and authorise some proper person to levy and collect such sum so apportioned, who shall proceed in like manner in making such collection as collectors of the contingent expences of the county are by law directed to proceed in, and shall in like manner be accountable to the said trustees as the collectors aforesaid are by law made accountable to the treasurers of their respective counties: *Provided always*, Proviso. That such sum shall not, in any one year, exceed the sum of three hundred dollars: *And provided further*, That if any person shall conceive himself or herself aggrieved by any such apportionment as aforesaid, it shall be lawful for such person to appeal from the determination of such trustees to any three justices of the peace in the towns of Broadalbin or Mayfield, giving notice to the said trustees, or a majority of them, of such appeal, and of the time and place for determining thereon by such justices, who shall hear the same, and do therein what to justice shall appertain, and the decision of such justices, or any two of them, shall be final and conclusive.

CHAP. CCXII.

An ACT to amend an act, entitled "An act for opening and making a road from or near the house of Almon Phillips, in the town of Essex, to the upper Falls, near the outlet of lake George, in the town of Ticonderoga."

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That when any part of the said road shall be laid out through any inclosed lands, the owner or owners thereof shall be paid his, her or their damage by the town in which such improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed in and by an act entitled "An act to regulate highways."

CHAP. CCXIII.

An ACT to incorporate the Boonville Turnpike Road Company.

Passed April 17, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That for the purpose of making a turnpike road, commencing in the town of Remsen, in the Company incorporated.

Style, &c.

county of Oneida, where the road of the Utica turnpike road company terminates, and from thence to run by the best route, near the house of Peter Schuyler, in Boonville, to the house of Benjamin I. Starr, in the town of Leyden, in the county of Lewis, Walter Martin, Peter Schuyler, Silas Stow, Ela Collins, John Storrs, and such other persons as may hereafter become members of the said company, shall be, and hereby are constituted and declared a body corporate and politic, in fact and in name, by the style and name of "The president and directors of the Boonville turnpike road company," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation: *Provided*, That the estate, as well real as personal, so to be purchased and held, shall be deemed beneficial to fulfil the end and intent of the said corporation, and shall not exceed in value three thousand dollars.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of twelve thousand dollars, to be divided into two hundred and forty shares, of fifty dollars each; and Walter Martin, Peter Schuyler, Ela Collins and John Storrs, esquires, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "An act relative to turnpike companies," passed 13th March, 1807.

Commissioners to lay out the road.

III. *And be it further enacted*, That Charles C. Broadhead, Elisha Camp and Robert McDowell, Esquires, or any two of them, be, and hereby are appointed commissioners to survey and lay out the said road, without favor and partiality, in such manner as will, in their opinion, best tend to promote the interest of the corporation hereby created, and that of the public generally, accurate maps of which survey shall be deposited and filed by the said commissioners in the offices of the clerks of the respective counties of Oneida and Lewis.

Land may be taken to make the road.

Previous.

IV. *And be it further enacted*, That it shall be lawful for the said president and directors, after the route of the said road shall be designated as aforesaid, to enter on and take possession of such quantity of land, not exceeding six rods wide, as shall be necessary for making the said road: *Provided always*, If the said president and directors should enter upon any land other than that used for the present state road, between the points above stated, the whole or any part whereof they are hereby authorised to enter upon without account, either to this state or to the respective towns through which the said road may pass, for the purpose of making and completing the said turnpike road, they shall be liable to pay to the owner or owners of the same land, such value and damages, (if compensation for the same shall be demanded within six months after the route of the said road shall be so designated) as shall be assessed by a justice of the peace, and by the oaths of twelve freehold-

ers, to be summoned on the warrant of the said justice, by any constable of the town where such land shall be situated.

V. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby created, shall be five, three of whom shall be a quorum, and capable of managing the business of said company. Number of directors.

And whereas the whole distance of the said road will be about twelve miles,

VI. *Be it further enacted*, That it shall and may be lawful for the said company hereby incorporated, to erect either one or two toll gates or turnpikes upon and across the said road, at their election, and the same at pleasure to change or remove; and as soon as the whole or any part of the said road shall be completed and inspected, pursuant to the said act, entitled "An act relative to turnpike companies," and herein before referred to, it shall and may be lawful for the president and directors of the said company to appoint toll-gatherers to collect and receive of and from all and every person and persons using the said road, the following sums of money for every number of miles not less than ten in the length of the said road, and so in proportion for any greater or less distance, that is to say: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of four cents; for every stage waggon, coach, currier or other pleasure carriage, drawn by two horses, twenty-five cents, and for every other additional horse, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents, and for every additional horse, six cents; for every horse rode, six cents; for every horse or mule led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, eight cents, and for every additional horse, ox or mule, four cents; for every sleigh or sled drawn by one horse, ox or mule, six cents; for every score of neat cattle, twenty cents; for every score of hogs or sheep, eight cents: *Provided*, That nothing herein contained, shall authorise the company hereby incorporated to demand and receive toll at any gate, of or from any person passing to or from public worship or a funeral; to or from a grist mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile of the said gate or gates, when passing through the same upon his own business, and without any lading belonging to any other person or persons; or from any person or persons who are entitled to vote, when going to or returning from town meetings or elections for the purpose of giving a vote, or from any person going for a physician or midwife, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed; or from any person going to or returning from a training, when by the laws of the state they are required to attend: *Provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon the said road, the tire or track of the wheel whereof is six inches wide, nor more than one-fourth of the above toll from those of nine inches wide: And further, that it shall and may be lawful Gates to be erected.

Rates of toll.

Proviso.

for the said president and directors to take and receive from any of the United States' troops, and from any person driving any carriage in their employ, whether on wheels or runners, the same tolls as the said company are authorised to receive by virtue of this act from any other persons, any law to the contrary notwithstanding.

Privileges
and restrictions.

VII. *And be it further enacted*, That the chord of the arch of the road hereby authorised to be made, shall not be less than twenty feet; that the said company hereby incorporated shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, except as is herein otherwise provided and enacted.

CHAP. CCXIV.

An ACT to amend an act, entitled "An act authorising the building of a fire-proof Clerk's Office in the county of Broome."

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the board of supervisors of the county of Broome, to draw on the treasurer of said county for the further sum, not exceeding six hundred dollars, to be appropriated towards defraying the expences of completing a fire-proof clerk's office in said county, and the treasurer of the county is hereby authorised and required to pay such sum out of any monies now remaining, or which shall hereafter be in his hands unappropriated.

CHAP. CCXV.

An ACT relative to the oaths of certain town officers for the year one thousand eight hundred and fifteen.

Passed April 17, 1815.

WHEREAS it appears to the legislature, that sundry persons elected at the late annual town meetings within this state, as supervisors, town clerks, assessors, commissioners of highways and overseers of the poor, have neglected to have inserted in the body of their respective oaths of office, the words required to be inserted therein in and by the thirtieth section of the act, entitled "An act for the payment of certain officers of government, and for other purposes," passed 15th April, one thousand eight hundred and fourteen, and have thereby ignorantly incurred the penalties enacted in and by the ninth section of the "Act relative to the duties and privileges of towns." Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall not be lawful to pro-

accute any such penalties incurred during the year one thousand eight hundred and fifteen, and that it shall be deemed sufficient to all intents and purposes, during said year, that such officers shall have taken and filed the oaths required in and by the seventh section of the act last aforesaid, any thing in either of the above mentioned acts to the contrary notwithstanding.

CHAP. CCXVI.

An ACT to reduce the laws concerning the village of Johnstown into one law, and to prevent fishing with seines or nets in the Sacandaga creek.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the district of country contained within the following bounds, to wit: beginning at a bridge and small creek east of the house of Achsah D'Fonclaire, running thence down the stream of said creek to the saw-mill of Nicholas Yost, and from thence east to a point south from the south-east corner of the gaol of Montgomery county, and from thence by a straight line to the place of beginning, so as to include the house and barn of the said Achsah, shall hereafter continue to be known and distinguished by the name of the village of Johnstown.

Bounds of the village.

II. *And be it further enacted,* That all the freeholders and inhabitants who are qualified to vote at town-meetings, and shall reside in or own property subject to taxation or assessment within said limits, by this act may, on the third Tuesday of May next, meet at the court-house in said village, and then and there proceed to choose five persons, each of whom shall be a freeholder in said village, to be trustees thereof; and also three persons, each of whom shall be a freeholder in the said village, to be fire-wardens thereof, who when chosen shall possess the several powers and rights hereinafter specified.

Trustees, how to be chosen.

III. *And be it further enacted,* That any one or more of the justices of the peace residing in the said village, shall preside at the meetings mentioned in the second section of this act, and declare the several persons having a majority of votes, as duly elected trustees or fire-wardens, and on every third Tuesday in May after the first election of trustees and fire-wardens, there shall in like manner be a new election of fire-wardens and trustees; and if no justice of the peace should be present to preside at such meeting, a majority of freeholders and inhabitants present may choose a chairman to preside at such election, who shall determine what persons are duly chosen trustees and fire-wardens.

Elections, how to be held.

IV. *And be it further enacted,* That all the freeholders and inhabitants residing in said village be, and they are hereby ordained, constituted and declared to be from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "The trustees of the village of Johnstown," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued,

Freeholders and inhabitants incorporated.

Style and
powers of the
trustees.

pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

They may
purchase
land

V. *And be it further enacted*, That the said trustees so to be elected as aforesaid, and their successors, are hereby authorised and empowered to purchase and hold any lands lying or being within the limits of the said village, to them and their successors forever, to and for the common use and benefit of the freeholders and inhabitants of the said village.

Choose fire-
men.

VI. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, or the major part of them, to elect, nominate and appoint a sufficient number of firemen, willing to accept, not exceeding twenty-four in number, out of the inhabitants residing within said village, to have the care, management, working and use of the fire engine or engines which may belong to the said freeholders and inhabitants; and also, all the tools and implements for extinguishing fires, and the said trustees, or a major part of them, are hereby authorised and empowered to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when, and as often as they shall think fit, and others in their stead to elect, nominate and appoint; and also to make, establish and ordain such rules, orders and regulations for the government, conduct, duty and behavior of such firemen, as to them shall appear necessary and proper.

Money, how
to be raised.

VII. *And be it further enacted*, That it shall and may be lawful for the said freeholders and inhabitants, at their annual meetings for electing trustees, by a majority of voices, to determine what sum in the aggregate shall be raised, levied and collected from the said freeholders and inhabitants of said village, and of persons owning property in said village liable to be injured by fire, although residing out of said village, to enable them to purchase a fire engine or engines, and to make wells and reservoirs of water, and to erect a building or buildings for the preservation of such engine or engines, and the tools and implements for extinguishing fires; and thereupon the said trustees shall apportion the sum to be raised among the said freeholders and inhabitants, and such persons owning property in said village, according to the value of their houses and buildings and property liable to be destroyed and injured by fire in said village; and shall by their warrant appoint and authorise some proper person to levy and collect such sums so apportioned, who shall proceed in like manner in making such collection as collectors of the contingent expences of the county are by law to proceed in, and shall be in like manner accountable to the said trustees, as the collectors aforesaid are by law made accountable to the treasurers of their respective counties: *Provided always*, That such sum shall not in any one year exceed the sum of five hundred dollars: *And provided further*, That if any person shall conceive himself or herself aggrieved by any such apportionment as aforesaid, it shall be lawful for such person to appeal from the determination of such trustees to any three justices of the peace in the town of Johnstown, giving notice to the clerk of the village of such

Proviso.

appeal, and of the time and place of the determining thereon by such justices, who shall hear the same, and do therein what shall to justice appertain, and the decision of such justices, or any two of them, shall be final and conclusive.

VIII. *And be it further enacted*, That the said trustees shall be, and hereby are authorised to cause all streets laid out for the use of the said village from time to time, to be opened.

Streets.

IX. *And be it further enacted*, That all personal property found lying or being on any premises, or in any building chargeable with or liable to the payment of any taxes by virtue of this law, shall be holden and liable to be sold for the payment of the taxes so taxed or imposed upon the said premises, or building or buildings.

Property liable to tax.

X. *And be it further enacted*, That in case no property can be found, or insufficient property shall be found to pay and satisfy such taxes, it shall and may be lawful for the trustees of said village, from time to time to renew such warrant, or from time to time to add such tax to other and future tax lists on the same property, and so to keep renewing or adding, or both, such tax or the part so remaining unpaid or in arrear, until the same is fully paid or collected.

Taxes due, to be added to the next tax lists.

XI. *And be it further enacted*, That it shall and may be lawful for the said trustees, or the major part of them and their successors, to make and publish such prudential rules and regulations as they shall from time to time deem meet, relative to a public market within said village, relative to the streets, alleys and highways of the said village, and to draining, filling up, paving, keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to establishing, regulating and ordering their fire company, and ordering and procuring their fire buckets, fire utensils, and guarding against fire generally, to compel the inhabitants to form lines and ranks for the purpose of carrying water for extinguish of fire, and to pull, raze and break down such buildings in the vicinity of a fire, as shall be directed by the trustees of said village, or a majority of them, or a majority of those assembled at the time and place of fire for the purpose of extinguishing fire, or of preventing its probable extension or communication to other buildings; relative to restraining geese, swine, horses, or cattle of any kind, belonging to any person or persons residing within the limits of the corporation aforesaid; relative to any thing whatsoever that may concern the police and good government of said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodity or articles of provisions that may be offered for sale: *Provided also*, That such by-laws shall not be inconsistent with the laws of this state, or of the United States; and the said trustees, or the major part of them, as often as they shall make and publish any such by-laws for the purposes aforesaid, may make and provide such reasonable fines against the offenders of such laws, as they may think proper, not exceeding twenty-five dollars for any one offence.

By-laws may be made.

XII. *And be it further enacted*, That the said trustees so to be chosen as aforesaid, and their successors, shall and may, from time to time, constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants and the said trustees, whose duty it shall be to record all rules, orders and regulations made by

Common clerk to be appointed.

His duty.

the said freeholders and inhabitants at their meetings as aforesaid, and also all rules, orders, regulations and proceedings of the said trustees, in a proper book to be provided for such purposes; and also to do and perform all such matters and things as the said trustees, or a majority of them, shall from time to time direct and require; and that no acts or proceedings of the said trustees shall be valid or effectual unless the minutes are so entered on the said book of the said clerk; and the said clerk from time to time to remove, and another or other in his stead to ordain, constitute or appoint.

Debts due for
paving, &c.
how collected

XIII. *And be it further enacted*, That in all cases for the penalties for not draining, filling up, paving, keeping in order or improving the streets, alleys and highways, or any of them, in the said village, have not been collected, whether prosecuted for or not, it shall and may be lawful for the trustees of the said village, or a majority of them, to cause public notice thereof to be given in one or more of the public newspapers printed in said county for the space of three weeks, briefly describing the pieces or parcels of land adjacent to the said places so to be drained, filled up, kept in order or improved, also stating substantially what is required by the owner or owners of the premises to be done by existing ordinances of the trustees of the said village, and that unless the same is so done that the said premises liable to do the same shall and will be leased by the said trustees to any person or persons for the purpose of complying with the said ordinances, and of paying the expences of the said publication and notice; and in case the said owner or owners of the said adjacent premises shall neglect or refuse to comply with the requisitions of the said ordinances on or before the expiration of the said notice, and of paying the expences of said notice within the said period, that then and in that case it shall or may be lawful, and the said trustees are hereby authorised and empowered to give notice for the space of three weeks in a public newspaper printed in the said county, in substance stating, that the owner or owners of the said premises therein, again to be briefly described, hath been duly notified of the requirements of the existing ordinances, and that he or they have or hath neglected or refused to comply with the intent and meaning thereof, according to that notice; that therefore the said premises will be leased at auction on the day, hour and place in the said notice to be expressed, to the bidder who shall bid the lowest term of years to comply with the requirements of the said ordinances, and pay the expences of the publication of the said notices; and that the said trustees shall accordingly execute a lease or leases to the said lowest bidder or bidders, his or their executors, administrators or assigns, for the term of years the said premises may have been so struck off for, and which leases shall be deemed to be as valid and effectual for the said term of time as if the real owner or owners of the said premises was or were person or persons of legal capacity to execute, and had executed the same: *Provided however*, That nothing in this section contained shall prevent the owner or owners, or persons claiming to be such, from redeeming the said premises by complying at any time before the said premises shall be struck off at auction, and paying the expences of the publication of the notification as aforesaid made.

Provided,

XIV. *And be it further enacted*, That the said trustees, or a ^{Treasurer to be appointed.} major part of them, are hereby authorised and empowered to appoint a treasurer of the said village, and to exact, demand and take of and from the collector and treasurer respectively such security as they shall think meet and proper for the due and faithful discharge of their respective duties and trusts, and them respectively at pleasure to remove, and others in their respective steads to appoint.

XV. *And be it further enacted*, That no money shall be drawn ^{Money how to be drawn from the treasury.} from the treasury of said village but by a previous resolve, minute or direction, to be entered on the book of the clerk of said village, and upon the clerk's check upon the treasurer therefor as a voucher; and the treasurer shall not be allowed in his account for any other monies than those so paid upon the check issued as aforesaid.

XVI. *And be it further enacted*, That the trustees, or the major part of them, shall have power from time to time to make such ^{Allowance to the collector.} allowance to the collector of said village, of such sum or sums of money for his services in relation to his duties as they shall deem meet and proper.

XVII. *And be it further enacted*, That it shall be the duty of the fire-wardens to be appointed in pursuance of this act, to examine within their respective wards, at such times as the trustees shall by by-laws for that purpose direct, all fire-places, stoves, ovens, chimneys, ash-houses, and such other places as may render the village insecure from fire, and report the situation of the same, with ^{Duty of the fire wardens} the number of fire-buckets, their marks, by whom holden, and who are deficient in fire-buckets, and whether in whole or part.

XVIII. *And be it further enacted*, That in case of the removal from the village of all or any of the trustees thereof, or in case of the death or resignation of all or any of the said trustees, or in case there was no choice at the annual meeting, of all or any of the said trustees, it shall be the duty of the clerk of the said village to give ^{Vacancies how to be filled.} six days written notice thereof, by notice subscribed by himself, and put up in six of the most public places of the said village, thereby calling a meeting of the said freeholders and inhabitants authorised to vote for trustees of said village, to elect a number equal to supply the place of the vacant number, and in which notice the time and place shall be appointed, and at which time the election shall be conducted and the like determination made as is directed in annual meetings, and thereupon the trustee or trustees so elected shall have like powers and be subject to the like duties for the residue of the period as if he had been elected at the next preceding annual election.

XIX. *And be it further enacted*, That all debts, fines, penalties, and forfeitures, made or created by this act, or made or created in pursuance of the powers or authorities given, granted or conferred by this act, or any by-law made in virtue thereof, shall be brought in an action of debt, by and in the name of the trustees of the village of Johnstown, and prosecuted in any court having competent jurisdiction, to and for the use of the said village; and it shall be sufficient for the said trustees, in any suit or action to be brought for any such debt, penalty, fine or forfeiture, to declare generally, that the defendant is indebted to the trustees of the village of Johnstown ^{Debts, fines, &c. collected}

in the amount of such debt, penalty, fine or forfeiture, by virtue of this act, to be paid unto the said trustees when thereunto required, and under such declaration to give the special matter in evidence.

This is a public act.

XX. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts and places favorably and benignly for every beneficial purpose therein contained.

Former laws repealed.

XXI. *And be it further enacted*, That all laws heretofore passed in relation to the incorporation of the said village, be and the same are hereby repealed.

Secondaga creek, penalty for fishing with nets in.

XXII. *And be it further enacted*, That it shall not be lawful for any person or persons to set or draw any sein or seins, net or nets, for the purpose of taking fish in the Sacondaga creek, between the bridge over the said creek, in the town of Northampton, and the east bounds of the lands of Samuel Green, in the town of Broadalbin, under the penalty of ten dollars for each and every such offence, to be recovered, with costs of suit, before any court having cognizance thereof, by any person who will sue for the same, the one moiety whereof shall be paid to the overseers of the poor of the town where the offence shall be committed, for the use of the poor of the said town, and the other moiety thereof to the person who will sue for the same to effect.

CHAP. CCXVII.

An ACT to amend the act entitled "An act to incorporate the Whitehall and Granville turnpike company," passed June 18th, 1812, and for other purposes.

Passed April 17, 1815.

Rates of toll;

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the president, directors and company of the Whitehall and Granville turnpike road shall be entitled to exact and receive, at the gate or turnpike to be erected on the said road, the following sums of money from all persons travelling or using the same, (excepting all such persons as are excepted from toll in the act hereby amended) for every chariot, coach, coachee, phaeton or curricule, or any other pleasure carriage with two horses, twelve cents; for every chair, chaise, gig, sulkey or pleasure carriage with one horse, six cents; for every waggon with two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, two cents; for every cart drawn by two oxen, four cents, and for every additional ox or horse attached to such cart, two cents, and for every cart or waggon drawn by one horse, three cents, in addition to the sums allowed by the act hereby amended.

Road, where to be commenced.

II. *And be it further enacted*, That it shall and may be lawful to commence the said road on the east side of the basin opposite Whitehall landing, and to run it from thence, on the east side of Wood creek, to or near the farm house of John Williams, in lieu of beginning at the landing on the west side of the creek aforesaid: *Provided always*, That the gate to be erected and placed on said

turnpike road, shall not be erected and placed within one mile of the commencement of said turnpike road, at or near the Whitehall landing.

III. *And be it further enacted*, That the ninth section of the act entitled "An act for the payment of certain officers of government, and for other purposes," passed April 15th, 1814, be, and the same is hereby repealed. Part of a former act repealed.

CHAP. CCXVIII.

An ACT to extend the time for improving the navigation of the Black River, in the county of Jefferson.

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for improving the navigation of the Black river, in the manner specified in and by an act entitled "An act for improving the navigation of the Black river, in the county of Jefferson," and the subsequent acts on the same subject, be, and the same are hereby extended for and during the term of three years from and after the passing of this act.

CHAP. CCXIX.

An ACT to incorporate the Salt and Gypsum Turnpike Road Company.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Ransom Rathbun, Ira Wilcox, John Tracey, Erastus Perkins, Epaphras Miller and James Clapp, and all such persons as shall associate for the purpose of making a good and sufficient road in the following direction, beginning on the west side of the river Chenango, in the village of Oxford, in the county of Chenango; thence northerly and westerly until it intersects the great east and west road leading from the Chenango river through the twelfth township, a section of the town of Norwich, at or near the house once of Henry Whiting, and from thence on the most eligible route through Pompey or Marcellus, to Manlius, shall be, and are hereby created and made a body politic and corporate, in fact and in name, by the name of "The Salt and Gypsum turnpike road company," and that by that name they shall be capable in law to purchase, have, hold and enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, and to sue and be sued, implead and be impleaded, answer and being answered unto, defend and be defended in any court or place whatsoever: *Provided*, That the real estate which the said corporation shall be allowed to hold shall be necessary to fulfil the end and intent of the said corporation. Company incorporated.

II. *And be it further enacted*, That the stock of the said com- Stock.

pany hereby incorporated, shall consist of two thousand shares of twenty dollars each, and that Ransom Rathbun, John Tracey and James Clapp be, and they are hereby appointed commissioners to receive subscriptions for said stock in the manner directed by the act entitled "An act relative to turnpike companies," passed 13th March, 1807, and the act entitled "An act concerning turnpike roads," passed April 10th, 1813.

Rates of toll.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for every number of miles not less than ten in length of said road, the following sums of money; and so in proportion for any greater or less distance, from all persons travelling or using the same; for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon; for every cart or other carriage drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox attached to such cart or other carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every cart or waggon drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage with one horse, twelve and an half cents; for every charriot, coach or coachee, or phaeton, or other four wheeled pleasure carriage drawn by two horses, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents; for every sleigh or sled drawn by one horse or mule, six cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such waggon, and for horses, mules and neat cattle in droves, one cent for each.

*Privileges,
&c.*

IV. *And be it further enacted*, That the number of directors hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the business and concerns of the company hereby incorporated, and shall have and enjoy all the rights, privileges and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act, passed 13th March, 1807, and the act, entitled "An act concerning turnpike roads," passed April 10th, 1813.

CHAP. CCXX.

An ACT authorising the trustees of the United Presbyterian Congregation of the city of Albany, to sell and convey a certain piece of ground.

Passed April 17, 1815.

WHEREAS it appears to the legislature that a certain piece of ground was granted on the eleventh day of July, one thousand eight

hundred and fourteen, by the mayor, aldermen and commonalty of the city of Albany, to the trustees of the united presbyterian congregation of the said city, for the purpose of enabling the said trustees to erect a steeple to their church; and the said trustees not being legally authorised to sell and convey the said ground, the object of the said grant, without legislative aid, would be defeated: Therefore,

Be it enacted by the people of the state of New-York; represented in Senate and Assembly, That the said trustees shall and may sell, dispose of, and convey the said lot of ground so as aforesaid granted to them, or mortgage the same, any law to the contrary notwithstanding.

CHAP. CCXXI.

An ACT concerning the custody of Children, on the separation of their parents.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the chancellor, in any proceedings commenced or to be commenced in the court of chancery, by or on behalf of any fense covert, being an inhabitant of this state, under the act concerning divorces, and for other purposes, and either before, or at the final hearing of the cause, or afterwards, as occasion may require, to make order, as between the parties, for the custody, care and education of the children of the marriage, and upon sufficient cause shewn thereafter, to annul, vary or modify such order.

The chancellor may make order relative to the custody and education of the children.

II. *And be it further enacted,* That when any husband and wife, having children of the marriage, under age, shall live in a state of separation, without being divorced, the supreme court, on the application of the wife, being an inhabitant of this state, may cause such children, or any of them, to be brought before it on habeas corpus; and on the return of the writ, the said court, on due consideration, may award the charge and custody of the children so to be brought before it, or any of them, to the mother, for such time, and under such regulations and restrictions, and with such provisions and directions as to the said court shall seem proper, and as the case may require; and the said court shall, at all times thereafter, as long as the husband and wife shall continue separate without being divorced, have power, on sufficient cause shewn, to annul, vary or modify the order so to be made.

The supreme court may make order relative to the children of any husband and wife who live separate.

An ACT in addition to an act entitled "An act authorising John Knickerhacker, junior, and others, to build a toll bridge at Schaghticoke Point, in the county of Rensselaer, passed 23d March, 1799," and for other purposes.

Passed April 17, 1815.

Preamble. WHEREAS Bethel Mather, Munson Smith, Charles Joy, Zephaniah Russell and Daniel Campbell, have represented to the legislature, that they are proprietors of the bridge above mentioned, and have prayed to be incorporated as a body politic, and to have granted to them other privileges which are herein after mentioned; and it appearing reasonable that the said persons should be incorporated, and that it will be of public utility to grant them the rights, powers and privileges herein after contained: Therefore,

B. Mather & others incorporated.

Style, &c.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Bethel Mather, Munson Smith, Charles Joy, Zephaniah Russell and Daniel Campbell, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of "The Schaghticoke Point bridge company," and by that name they and their successors may have succession for thirty-eight years hereafter, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatever; and may also have and use a common seal, and alter the same at pleasure; and they are hereby declared capable in law of purchasing, holding and conveying any real and personal estate which may be necessary to enable them to fulfil the purposes of this incorporation, but for no other use or purpose whatever.*

To enjoy the privileges, &c. granted by former acts.

II. *And be it further enacted, That the said company and their successors shall and may continue to have, hold and enjoy all and singular the rights, powers and privileges granted by the above mentioned act, and all other acts heretofore passed in relation to or amendatory of the said act, for the said term of thirty-eight years; and shall also be liable and subject to all and singular the provisions, restrictions, obligations and regulations of the said act, and of all acts heretofore passed in relation to or amendatory of the said act, during the said term of thirty-eight years.*

Toll house & gate.

III. *And be it further enacted, That the said company and their successors may erect and continue at either end of the said bridge within the bounds of the highway, a gate and toll house of sufficient size and dimensions to facilitate the collection of toll.*

By laws may be made.

IV. *And be it further enacted, That the said company and their successors may from time to time during the said thirty-eight years, make and ordain such rules and by-laws relative to the management and government of their stock, property and concerns in the said bridge as may seem proper and reasonable, provided the same shall not be contrary to the constitution and laws of this state or of the United States.*

Certain notice to be set up.

V. *And be it further enacted, That it shall be the duty of the directors to keep a notice posted up, or written in large characters,*

on each end of the said bridge, in the most conspicuous part thereof, in the following words, to wit: "One dollar penalty for passing this bridge faster than on a walk, by any person or persons riding or driving any horse or carriage."

VI. *And be it further enacted*, That the seventh section of the act to which this is an addition, passed 23d March, 1799, be, and ^{Part of a former act repealed,} the same is hereby repealed.

VII. *And be it further enacted*, That the above mentioned act, and all the acts in relation to and amendatory of the same, except ^{The remainder to be in force.} the 7th section thereof, shall continue and have effect for the said term of thirty-eight years from and after the passing of this act; and that this act shall be taken and considered as a public act, and be construed favorably and benignly in all courts and places whatsoever.

VIII. *And be it further enacted*, That after the twenty-third day of March, one thousand eight hundred and twenty-four, the said bridge company shall keep a just and true account of all monies received by said company for tolls at the said bridge, and on the first day of March annually thereafter shall render an account of the same, under the oath of one of the proprietors of the said bridge, and of the collector of the said tolls, to the commissioners of highways of the town of Schaghticoke, and shall pay over to the said commissioners of highways one quarter part of the monies so as ^{The company to render an account after the year 1824.} aforesaid received, deducting therefrom one quarter part of the expense of collecting the same, which monies so to be received shall be laid out by the said commissioners of highways in building and keeping in repair a bridge across the Tonhantic creek, near the house of Herman Knickerbacker, and in improving and keeping in repair the public highway leading from the said bridge crossing the said Hoosick river, to the northern turnpike road at Rich's tavern in said town. ^{And pay over 1-4 of their income.} ^{To keep in repair a certain bridge.}

CHAP. CCXXIII.

An ACT directing the payment to the United States of the arrears of the direct tax remaining unpaid on lands within this state, for the benefit of the owners of such lands, and also directing the comptroller to collect such arrears.

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller be, and he is hereby authorized and required to ascertain the amount of arrears of the direct tax of the United States, which have been or shall be returned to Thomas Lenington, the collector designated by the secretary of the treasury of the United States to receive returns of unpaid taxes in this state, and which may be found to remain unpaid on any lands within this state, and thereupon to draw his warrant on the treasurer for the payment of such amount when so ascertained, together with the costs and charges accrued thereon: *Provided how-* ^{U. S. direct tax on certain lands to be paid by the state.} ^{Provide.} *ever*, That no other be taken into the account nor paid, but such as

are due on lands so designated and described that, in the comptroller's opinion, the lands may be clearly located, and a valid title given for the same, or of any part thereof, in case it should be necessary to resort to a sale, as is hereinafter provided.

Comptroller
to procure
the return
thereof,

II. *And be it further enacted*, That the comptroller shall procure from the said Thomas Lenington the original return made to him of said tax, with the descriptive lists of the lands charged with such tax, or correct transcripts of said returns and descriptive lists, and at the expence of this state to cause to be made, in a suitable book for the purpose, correct lists or statements of all the lands charged with said tax, and of the tax due on each parcel of land, arranged in the manner in which the arrears of taxes laid under the authority of this state on non-resident lands are usually arranged.

And publish
the same.

III. *And be it further enacted*, That when the lists of lands so charged with tax are made, the comptroller shall give notice in the newspaper printed by the printer to this state, and in at least four newspapers printed in each of the four great districts of this state, once a week for four weeks successively, that returns of the arrears of the direct tax of the United States remaining due on lands within this state, have been received at his office pursuant to this act, and require all persons interested in the lands charged with said tax and charges, to pay the same to the treasurer of this state, within three months from the date of his said notice, or that in default, they will thereafter be charged with interest at the rate of fourteen per centum per annum, on said taxes and charges thereon, until paid, or until the lands shall be sold in pursuance of the provisions of this act.

Tax how to
be charged on
certain lands

IV. *And be it further enacted*, That the comptroller shall, in cases where several tracts, lots or parcels of land in said returns shall be charged with a gross amount of said tax, divide the said tax amongst the several tracts, lots or parcels of land, according to the valuation of them respectively, where the valuations of each are returned; but where the valuations are not returned, or if returned, only returned on several tracts, lots or parcels of land in gross, he shall then charge each tract, lot or parcel of land with its proportion of said tax, according to the valuation by the assessors of any town, if any such valuation is returned, and if not, then according to the quantity of land contained in each respectively.

Tax to be a
lien on the
lands.

V. *And be it further enacted*, That the said tax and the charges thereon, which shall be paid out of the treasury of this state pursuant to this act, together with the interest and charges authorised by this act, shall be a lien on the lands, notwithstanding any alienation or division in the whole or part, which has or shall take place.

Comptroller
to give certi-
ficates of the
tax when re-
quired.

VI. *And be it further enacted*, That the comptroller shall, from time to time, give to any person requiring the same, a certificate of the amount of said tax charged on any lands in his said lists, with the charges and interest thereon, and the treasurer shall receive the amount so certified, and give a receipt therefor on each certificate, which receipt the person paying shall present to the comptroller's office, to be there entered and countersigned, and thereupon the lien upon any land upon which the said tax, charges and interest shall be so paid, shall be discharged.

Tax on part
of any tract
may be re-
quired.

VII. *And be it further enacted*, That if a sum in gross shall be charged on any lot, tract or parcel of land, owned by several per-

proprietors, it shall be lawful to receive from any proprietor the amount due on any part of such lot, tract or parcel of land, to be calculated according to the number of acres contained in the part to be so paid, and the remainder of the tax and charges shall be a lien on the residue of the land only; and where the proprietors shall be tenants in common, or joint tenants, it shall be lawful to receive from each proprietor his share of such tax, according to the quantity of his interest in such lot, tract or parcel of land.

VIII. *And be it further enacted*, That if the said tax shall remain unpaid on any lands for the space of one year after the time prescribed by this act for the interest to commence and be charged by the comptroller on said tax, it shall be the duty of the comptroller to give notice for the sale of such lands, and to sell the same in the same manner, at the same place, and on the like terms and conditions as lands are directed to be sold pursuant to the act, entitled "An act for the assessment and collection of taxes," and the expenses attending the giving of said notice and of sale shall be added to the tax. Lands may be sold for the tax.

IX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, the expenses to be incurred under and pursuant to this act. Expenses allowed.

X. *And be it further enacted*, That it shall be lawful for the comptroller, to demand and receive three cents for each tax which shall be paid into the treasury of this state in pursuance of this act; and also, the like fees on each parcel of land to be sold under this act, as he is entitled to by an act, entitled "An act for the assessment and collection of taxes," on lands sold. Fees of the comptroller.

CHAP. CCXXIV.

An ACT authorising Commissioners to lay out a Road from Batavia to the lower bridge over the Genesee river.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Lemuel Foster, William Ramoey and Elisha Ely, or any two of them be, and they are hereby authorised and empowered to lay out a public road four rods wide, beginning at or near the village of Batavia, in the county of Genesee, and pursuing the most eligible and direct route to the lower bridge over the Genesee river. Commissioners.
Route of the road.

II. *And be it further enacted*, That each of the said commissioners shall, before he enters upon the duties of his office, take and subscribe before some proper officer, an oath or affirmation, that he will act without favor or partiality in laying out said road. Oath to be taken.

III. *And be it further enacted*, That the said commissioners shall make a correct map of the said road, and cause the same, together with the field notes, to be filed in the office of the clerk of said county, and shall in like manner cause a map and the field notes of so much of said road as shall pass through the respective towns, to be filed in the clerk's offices of such towns respectively.

IV. *And be it further enacted*, That the said commissioners

Allowance
of the com-
missioners.

Road, how to
be made and
repaired.

and their surveyor shall be allowed two dollars and fifty cents per day for each day they shall be necessarily employed in performing the duties enjoined on them by this act, and that the supervisors of the said county shall audit the account of the said commissioners, and cause the amount thereof to be assessed, collected and paid as part of the contingent expenses of said county.

V. *And be it further enacted*, That the said road shall be opened and kept in repair agreeably to the directions of the act, entitled "An act to regulate highways."

CHAP. CCXXV.

An ACT for the sale of the Arsenal, in the city and county of Albany.

Passed April 17, 1815.

Surveyor-general directed to sell the arsenal, &c.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the surveyor-general, and he is required to cause to be sold at public sale, to the best advantage, the arsenal, appurtenant buildings and arsenal lot, situate in the late Colonie, now city of Albany, either in lots or otherwise, as may be most advantageous to the interests state, and to give good and sufficient conveyances in the law therefor, to the purchaser or purchasers thereof.

A new arsenal to be erected.

II. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, and he is hereby required to cause the consideration monies, or proceeds of the sale or sales made in pursuance of the preceding section of this act, to be applied in the purchase of a site, and in the erection of a new arsenal, work-shops, laboratory and other buildings appurtenant to an arsenal, which site shall be within five miles of the capitol in the city of Albany, and that an account of the sales and other proceedings under this act, shall be rendered to the legislature at their next session.

CHAP. CCXXVI.

An ACT for the relief of the sufferers on the Niagara frontier.

Passed April 17, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller shall and may, until the first day of September next, receive from such persons on the Niagara frontier as may have had their houses destroyed by the enemy during the war just terminated, applications for loans to them respectively, not exceeding one thousand dollars to any one individual, from this state, to aid them in rebuilding their houses so destroyed; and every such application shall be accompanied with proof of the destruction, as aforesaid, of the buildings of the

applicants, and of the probable value of such buildings ; and on the said first day of September, or as soon thereafter as conveniently may be, the comptroller shall ascertain whether the aggregate amount so applied for, exceeds fifty thousand dollars, and if the said aggregate shall exceed said sum, he shall deduct a just proportion from each, so as to reduce the aggregate to said sum of fifty thousand dollars, and in making such deductions, he shall take into consideration the amount of the losses of the respective applicants, as shown by the proofs aforesaid ; and if the aggregate amount applied for shall not exceed the said sum, or if it does, then, after making the said deductions, the comptroller shall thereupon loan to each applicant, the sum by him applied for, when so as aforesaid reduced, if a deduction be necessary, out of any unappropriated monies in the treasury: *Provided*, That the sum so to be loaned to any one individual, shall in no case exceed the value of the buildings destroyed as aforesaid, of such individual ; and provided every such applicant shall execute his bond for the repayment of the sum so to be loaned, within seven years after the date thereof, with the interest thereon, annually, at the rate of seven per centum per annum, and shall also secure, or cause to be secured, the payment thereof, by a mortgage on unincumbered real estate, worth at least double the sum so loaned, exclusive of buildings ; and the attorney-general shall in every case decide as to the title of the mortgagor to the mortgaged premises.

II. *And be it further enacted*, That it shall be the duty of the comptroller, on behalf of this state, to borrow the sum appropriated by this act, if the same shall be necessary.

CHAP. CCXXVII.

An ACT in addition to an act, entitled "An act concerning Judgments and Executions."

Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all sheep to the number of ten, together with their fleeces and the cloth manufactured from the same, one cow, two swine, and the pork of the same, all necessary wearing apparel and bedding, necessary cooking utensils, one table, six chairs, six knives and forks, six plates, and six tea cups and saucers, owned by any person being a householder, shall be exempted from execution and distress for rent, any law to the contrary notwithstanding.

CHAP. CCXXVIII.

An ACT to incorporate the village of Auburn.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the district of country con-
Boundaries.

tained within the following bounds, that is to say, beginning at the middle of the north line of lot number forty-six, according to the original survey thereof; running thence south through the centre of said lot to the south line thereof; thence east along the south line of lots number forty-six and forty-seven, to the south-east corner of said lot number forty-seven; thence north along the east line of said lot number forty-seven, to the north-east corner thereof, according to the said original survey; thence west to the place of beginning, so as to contain the east half of lot number forty-six, and the whole of lot number forty-seven, according to the first survey made thereof, shall continue to be known and distinguished by the name of the village of Auburn; and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the first Monday of May next, meet at the court-house in the said village, at such time of the day as may be appointed by any justice or justices of the peace within said village, and notified to the inhabitants thereof at least one week previous thereto, and then and there proceed to elect five discreet freeholders resident within the said village, to be trustees thereof, who when chosen shall possess and exercise the several powers and rights hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes, to be duly chosen trustees; and on every first Monday of May thereafter there shall be an annual election of trustees for the said village, at such place as the trustees for the time being shall notify, giving at least one week's notice, by publishing the same in the newspaper or papers in said village, or setting up the same in three places in said village, and the said trustees shall preside at such annual elections.

Freeholders
and inhabi-
tants incor-
porated.

II. *And be it further enacted*, That the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The trustees of the village of Auburn," and by that name they and their successors forever shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever, and that they and their successors may have a common seal, and may alter the same at their pleasure, and shall be in law capable of purchasing, holding, receiving and conveying any estate real or personal, for the use of said village, (provided the said real estate shall be within the said village) and of erecting any public buildings for the use of said village, and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village, which monies so to be raised shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants of

said village qualified to vote at town meetings, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of without the consent of the legal voters of the said village, in open meeting duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, And it is hereby made the duty of said assessors in assessing the taxes so to be raised upon the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in an equitable and just manner, of and from the owners and occupants of the houses and lands in said village, in proportion nearly as may be, to the property and to the advantages which each shall be deemed to receive from the improvement or purchase to be made by said money when collected: *And provided also*, That if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village in ten days after such assessment shall be made, and public notice thereof given, giving notice to the said assessors, or any one of them, of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Provide.

Further proviso.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify as far as is convenient, the particular purpose for which said sum or sums, or any part thereof shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

Money, how to be raised.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order and improving the same; relative to slaughtering-houses and nuisances generally; relative to a village watch and lighting the streets of the said village; relative to restraining geese, swine or cattle of any kind; relative to the better improving their common lands; relative to the inspection of weights and measures; relative to the keeping and regulating hay-scales; and relative to any thing whatsoever that may concern the public and good government of said village; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale: *Provided also*, That such by-laws be not contrary to, nor inconsistent with the laws of this state, or of the United States; and it shall also be lawful for said trustees to require the householders and occupants of buildings in the said village, under suitable penalties, to furnish themselves with

By-laws may be made.

fire buckets and other necessary utensils for extinguishing fire, and also keep their fire places and chimnies clean and in good repair.

*Fines & for-
feitures.*

V. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally, that the defendant or defendants are indebted to the trustees of the village of Auburn in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

*Property li-
ble to tax.*

VI. *And be it further enacted*, That the person in possession of any real estate in the village of Auburn at the time any tax is assessed, shall be liable to pay the amount assessed thereon; and in case such person is not bound by contract or otherwise to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate, or other person whose duty it was to have paid the same; and all taxes upon any real estate in said village shall be a lien thereon.

*Assessors,
treasurer and
clerk.*

VII. *And be it further enacted*, That the inhabitants of said village of Auburn qualified to vote at town meetings, at the annual meetings in every year hereafter to be held for choosing trustees, or any other meeting duly notified, shall, and they are hereby authorised to choose by a major vote, not less than three nor more than five judicious freeholders, inhabitants of said village, as assessors, and one treasurer and one clerk; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, in a book, by him to be procured.

*To take an
oath.*

VIII. *And be it further enacted*, That the trustees, assessors, treasurer and clerk shall, within ten days after their election and appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village, or county of Cayuga, that they will faithfully execute the office or trust to which they may be severally elected.

*Treasurer &
collector to
give security.*

IX. *And be it further enacted*, That the treasurer and collector or hereafter to be elected shall, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being, shall deem sufficient.

And whereas it is necessary for the good government of the said village, that it should be more particularly the business of some

one of the trustees of said village to attend to its more immediate concerns : Therefore,

X. *Be it further enacted*, That the trustees within ten days after their election in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of said board of trustees, whose duty it shall be when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper ; to receive complaints of the breach of any of the laws ; to see that the by-laws, rules and ordinances are faithfully executed and observed, and to prosecute in the name of the trustees, all offenders against such by-laws ; and whose duty it shall be more particularly to see that the public property belonging to the said village, and relating to the fire engines and utensils be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees to do ; and in case of the death or disability of such president, the said trustees shall proceed to choose out of their body a successor, in manner as above mentioned ; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of their by-laws, rules and regulations.

President to be chosen.

XI. *And be it further enacted*, That the collector shall within such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer ; and all monies at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Money collected to be paid over to the treasurer.

XII. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expences and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury ; and that the treasurer, collector, assessors and clerk shall be paid for their several services, such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation, shall provide ; and that the said trustees shall reserve for their services such reasonable compensation as the inhabitants of said village at their annual meetings shall think proper to grant and allow.

Accounts to be kept.

XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall continue in office and be authorised to exercise all the powers and perform all the duties in this act contained and belonging to their office of trustees as aforesaid, until the first Monday of May next following after their election as trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the said trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee.

Duration of the office of trustees.

XIV. *And be it further enacted*, That the said village of Auburn be, and the same is hereby constituted a road district, sub-

Village erected into a road district.

ject to be subdivided by the said trustees, and that the same be exempt from the superintendence of the commissioners of the highways of the town of Aurelius; and the said trustees of the village of Auburn shall have all the powers over the said road district, and discharge all the duties which by law are given to or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road district, as shall be laid out by the said trustees, which overseers or path-masters shall have all the powers, and discharge all the duties in their several districts or subdivisions, which by law are given to or enjoined upon other overseers of highways, giving in their lists and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do, to the town clerk and to the commissioners of the highways.

Firemen to
be chosen.

XV. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint and elect, under the hand of the president of the board, and seal of the village, four fire-wardens, and a company of twenty-four firemen, out of the inhabitants of said village, to have the care, management, working and use of the fire engine or engines which may belong to the said village, and also the tools and implements for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove or displace all or any of the fire-wardens or firemen so as aforesaid to be elected and appointed, when, and as often as they shall think fit, and others in their stead to elect, nominate and appoint.

CHAP. CCXXIX.

An ACT to amend an act entitled "An act to authorise the building of a toll bridge over the Mohawk river," passed April 9th, 1811.

Passed April 18, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time limited in the fifth section of the act hereby amended, for completing the said bridge, be, and the same is hereby extended to the first day of January, in the year one thousand eight hundred and sixteen; and that the company by the said act incorporated is hereby declared to be in full force, notwithstanding their omission to complete the said bridge in the time specified in the said fifth section of the act hereby amended.

Time extended
to complete
the bridge.

Tolls.

Proviso.

II. And be it further enacted, That it shall and may be lawful for the said corporation to take and receive such rates of toll from all persons crossing the said bridge as they were allowed to take by the before recited act: *Provided always*, That they shall not ask, receive or take toll from any person or persons crossing the said bridge on foot or from any house of public worship.

CHAP. CCXXX.

An ACT to amend the act entitled "An act for the relief of the creditors of the estate of Peter Dubois, deceased."

Passed April 18, 1815.

WHEREAS John A. Schnyler, of the state of New-Jersey, by his petition presented to this legislature, hath represented that Peter Dubois and Catharine his wife, on the seventeenth day of December, in the year one thousand seven hundred and seventy, granted and conveyed his estate to the honorable Henry White, Esquire, Jacob Walton and James Duane, Esquire, and Samuel Ver Planck, merchant, all of the city of New-York, trustees for the payment of his debts, and the further uses and purposes in the deed mentioned and expressed: And further, that part of the estate so conveyed to the said trustees was by them sold, but what portion thereof he does not precisely know, and that some one or more of the said trustees were attainted or convicted of an adherence to the enemy in the revolutionary war; that Samuel Ver Planck, another of them, declined actively interfering with the estate, and that James Duane, the active trustee, died some few years after the revolutionary war, leaving the trust partly unexecuted; that he was only recently apprised of these circumstances, and finds considerable sums still due to the creditors of the said Peter Dubois; that doubts exist whether, under the act entitled "An act for the relief of the creditors of Peter Dubois," passed the 9th day of April, 1813, appointing the petitioner trustee of the estate of the said Peter Dubois, he is so seized as to enable him to maintain an action for the recovery thereof in his own name, praying that all the estate, right and title of the said trustees, or the survivors or survivor of them, as the same existed before the death of the said acting trustee James Duane, may be vested in him, with the same right to sell, dispose of, sue for and recover the whole or any part or parcel of the said trust estate, to the uses and purposes expressed in the act above referred to, and that any conveyance heretofore by him executed, under or by virtue of that act, may be ratified and confirmed, which prayer being reasonable: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all the estate, right and title of Henry White, Jacob Walton and James Duane, Esquires, and Samuel Ver Plank, merchant, all late of the city of New-York, trustees of the estate of the late Peter Dubois, Esquire, deceased, or of the survivors or survivor of them, shall be and hereby is vested in the said John A. Schuyler, his heirs and assigns, in as full and ample a manner as the same was held by the said trustees, the survivors or survivor of them, at any time before the death of the said James Duane, with the same right, power and authority to sell, dispose of, sue for and recover the same, or any part thereof, as the said trustees, the survivors or survivor had at any time before the death of the said James Duane, and with full power to sell, grant and dispose of the same to the uses and for the purposes mentioned and expressed in the said recited act; and that any conveyance or conveyances heretofore executed by virtue of the said recited act be, and they are hereby ratified and confirmed.

Preamble.

Certain powers vested in John A. Schuyler.

And whereas it is represented that money hath been paid into the court of chancery of this state for the use of the creditors of the said Peter Dubois, some of whom were also attainted or convicted of an adherence to the enemies thereof during the revolutionary war, and that others of them cannot be found: Therefore,

The chancellor may direct certain sums to be paid to John A. Schuyler.

II. *Be it further enacted*, That it shall be lawful for the chancellor of this state, on the proper application of the said John A. Schuyler, to direct all such monies to be paid to him on such terms as regards the parties who cannot now be found, or their legal representatives, as the said chancellor may deem correct and proper, which monies, when received by the said John A. Schuyler, shall be applied in the manner directed by the last section of the act hereby amended.

CHAP. CCXXXI.

An ACT to amend an act entitled "An act for the repacking and inspecting Beef and Pork," and for other purposes.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall hereafter be lawful for the inspectors of beef and pork within this state, in their respective counties, to inspect and repack beef and pork for the use of the navy of the United States as is hereinafter mentioned.

Inspectors may inspect beef & pork for the navy.

Pork how to be cut.

II. *And be it further enacted*, That in the pork to be inspected and repacked for the use of the navy of the United States, the legs, heads and hands shall be excluded, and the remainder of the animal shall be cut up into pieces, as nearly as may be, of eight pounds each, so that twenty-five pieces shall make a barrel containing two hundred pounds of pork, and that the swine so to be put up shall be large, well fattened, and of the best quality.

Beef.

III. *And be it further enacted*, That in the beef to be inspected and repacked for the use of the navy of the United States, the legs, shins, necks, shoulders and leg rounds shall be excluded, and the remainder of the animal shall be cut up into pieces, as nearly as may be, of ten pounds each, so that twenty pieces shall make a barrel containing two hundred pounds of beef, and that the animal so to be put up shall be large, well fattened, and of the best quality, nor under the age of three years.

Barrels how to be made.

IV. *And be it further enacted*, That all barrels in which any beef or pork for the use of the navy of the United States shall be repacked, shall be made of good seasoned heart of white oak staves and heading, free from any defect, and fully bound or hooped with good hickory, white oak, or other equally substantial hoops, and shall contain not more than thirty nor less than twenty-eight and a half gallons, and shall contain two hundred pounds weight of beef or pork; the staves and heads to be made of good thick materials, the heads not less than half an inch thick, the staves as nearly straight as possible, and each stave on the edge of the bilge shall not be less than half an inch thick, and at each chime not less than half an inch thick; when finished, each barrel shall measure in

length, from one end of the stave to the other, twenty-eight inches, and from the outside of each head, twenty-six inches, and between the chimes shall measure not more than seventeen nor less than sixteen inches; the hoops on each barrel to be well set and drove, each barrel to be branded with the initials of the maker's name at least; and every barrel containing beef or pork for the use of the navy, intended to be repacked according to this act, and which shall not be constructed in the manner herein described, and the beef or pork therein contained put up in all things in conformity to the directions of this act, shall be condemned by the said inspectors or repackers when brought to them respectively.

V. *And be it further enacted*, That all beef for the use of the navy of the United States, and all beef intended for exportation hereafter to be inspected or repacked, shall, before it is put up, be laid in salt a sufficient length of time to extract the blood to the satisfaction of the inspector; and that all beef and pork repacked under this act shall be pickled with strong good pickle, made of as much good clear salt as will dissolve in good fresh water; and that all beef for the use of the navy, or intended for exportation, hereafter to be repacked and inspected, shall not have less than two and a half pecks of good coarse salt, and four ounces of salt petre, in each barrel, and in proportion for every half barrel; and that all pork for the use of the navy, or intended for exportation, hereafter to be repacked and inspected, shall not have less than two pecks of good coarse salt and four ounces of salt petre in each barrel, and in proportion for every half barrel.

Beef to be
laid in salt
before being
packed.

VI. *And be it further enacted*, That the salt manufactured in this state may be used in packing and putting up beef and pork for the use of the navy, or intended for exportation, so that the same be of good quality, and be in quantity not less than forty-six pounds weight for every barrel, and twenty-three pounds weight for every half barrel.

Salt made in
this state may
be used.

VII. *And be it further enacted*, That all pork put up in the manner as in and by this act directed, and in barrels constructed in conformity to the provisions and directions of this act, shall be denominated and called "navy prime pork;" and every barrel of beef so as aforesaid put up, shall be denominated and called "navy prime beef;" and each and every barrel of pork put up in the manner herein before directed, shall be branded on one of the heads by the said inspectors or repackers, "U. S. navy prime pork," with the year in which the same was put up; and the words "New-York city," if inspected in the city and county of New-York, and "New-York," if inspected in any other part of this state, with the name of the county in which the same shall be put up; and each and every barrel of beef so as aforesaid put up, shall be branded on one of the heads by the said inspectors or repackers, "U. S. navy prime beef," with the year in which the same was put up, and the words "New-York city," if inspected or repacked in the city and county of New-York, and "New-York," if inspected in any other part of the state, with the name of the county in which the same shall be put up, and the name of the inspector who shall brand the same.

Barrels how
marked.

VIII. *And be it further enacted*, That no beef or pork shall be inspected or repacked in any place in the city and county of New-

Inspection in
N. York to be
made in cer-
tain stores.

Provide.

Penalties.

Fees.

Fines.

Part of a for-
mer law re-
pealed.

Storage.

York, other than in a store or stores; yard or yards for such purpose to be provided by the said inspectors or repackers, or either of them, on the margin of the East or North river, in conformity to the directions of the act of the legislature of this state, passed March 12th, 1813, to which this act is amendatory, under the penalty of fifteen dollars for each and every barrel or cask; nor shall any beef and pork for the use of the navy of the United States be inspected or repacked, other than in strict conformity, and according to the directions of this act, under the above penalty; and if any person or persons, not being an inspector or repacker, shall brand any barrel of beef or pork in the manner directed by this act, and not being a commissioned inspector, shall incur also the above penalty: *Provided*, That nothing in this section shall be deemed to apply to any beef or pork except such as has been originally put up in the city and county of New-York.

IX. *And be it further enacted*, That if any owner or owners, agent or agents, master or captain, or commander, or other person, shall ship or attempt to ship for exportation out of this state, any beef or pork not being inspected agreeable to the laws regulating the inspection of beef and pork, unless thereto authorised by law, the person or persons so offending in the premises shall forfeit and pay the sum of fifteen dollars for each and every barrel and half barrel of beef and pork so shipped, exported or attempted to be shipped or exported.

X. *And be it further enacted*, That the same fees and perquisites shall be allowed to inspectors and repackers under this act as are now allowed by the eighth section of the act to which this act is amendatory.

XI. *And be it further enacted*, That all and every of the forfeitures and penalties incurred under this act, shall be recovered and appropriated in like manner as is mentioned in and by the twentieth section of the act to which this act is amendatory.

XII. *And be it further enacted*, That so much of the act entitled "An act for the repacking and inspection of beef and pork," passed the 12th day of March, 1813, as comes within the provisions of this act, be, and the same is hereby repealed.

XIII. *And be it further enacted*, That it shall and may be lawful for the owners or occupants whose stores or other buildings front on the south line or side of Spring-street, in the city of New-York, and from the west side of Greenwich-street to the Hudson river, to store all such articles as are now permitted to be stored north of said street, any thing in any other law to the contrary notwithstanding.

CHAP. CCXXXII.

An ACT to enable certain persons therein named, to purchase and hold real estate.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That William Goorlay, William

Keith, Malcom Little, James Wild, Benjamin Baldwin, Nathan Wild, James Wardle, David McIlroy, Hector Kowans, David Rose, John Graham, junior, William Dudley, Robert Kenedy, John Campbell, Adam Scott and David Ballantyne, of the town of Delhi, in the county of Delaware; George Erwin and James McAlpin, Michael Dolan, William Jones, Charles Cork, of the town of New-Lisbon, in the county of Otsego; William Fried, William Ashby, Edward Welden Bailey, Henry Pritchard, Mariena Pritchard, John Murphy, Patrick Murphy, Alexander McDonnell, Thomas Wilson, James Reed, Charles Spruce, of Phelps, in the county of Ontario, and Patrick Murray, of the town of Half-Moon, in the county of Saratoga, shall be, and hereby are enabled respectively to take real property to the amount of twenty thousand dollars, in this state, either by descent or purchase, and to hold or dispose of the same in like manner as natural born citizens.

Certain aliens enabled to purchase and hold real estate.

II. *And be it further enacted*, That no lands, tenements or hereditaments in this state, heretofore purchased by any of the persons herein before named, shall escheat to the people of this state by reason or account of such person's then being an alien; but all such lands, tenements and hereditaments shall vest in such purchaser in the same manner as if such person had been naturalized at the time of such purchase.

Lands heretofore acquired by them not to escheat.

III. *And be it further enacted*, That the right, title, claim and interest of the people of this state to any lands, tenements or hereditaments within this state, by reason of the alienism of the said William Goorlay, and which but for such alienism would have gone by descent to the said William, shall be vested in the said William, so that such lands, tenements and hereditaments, with all the rights, privileges and actions thereto pertaining, shall go to and remain to the said William, in like manner as if he had at the time of the death of the person to whom the property belonged, been a natural born citizen.

Right to certain property vested in W. Goorlay.

IV. *And be it further enacted*, That Louisa Bloodgood, wife of Francis A. Bloodgood, Christina Kip, wife of Henry Kip, and Ruth Bloodgood, wife of Lynott Bloodgood be, and they are hereby vested with the same rights, in every respect, as to real estate already acquired or hereafter to be acquired by them, or by their said respective husbands, in this state, wherewith they would be vested by law, as if they were naturalized citizens of this state, the alienism of the said Louisa Bloodgood, Christina Kip and Ruth Bloodgood to the contrary thereof in any wise notwithstanding.

L. Bloodgood and others enabled to hold real estate.

CHAP. CCXXXIII.

An ACT to amend an act, entitled "An act to amend an act entitled, an act to incorporate the Cayuga bridge company," passed March 1st, 1799, and for other purposes.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That so much of the proviso

Allowed to
take toll for
U. States'
earnings.

Penalty for
evading the
payment of
toll.

Time ex-
tended to
complete the
road.

Parts of a for-
mer act re-
pealed.

Proviso.

Toll for cross-
ing certain
bridges.

in the seventh section of the above recited act, and the second proviso in the second section of an act, entitled "An act to extend the charter rights of the Cayuga bridge company," passed June 12, 1812, as provides for the passing of artillery waggons, carriages and stores belonging to the United States, without paying toll, be, and the same are hereby repealed: *And provided also*, That the agents of the United States shall have the right to transport all military stores across the Cayuga lake in boats or on the ice.

II. *And be it further enacted*, That if any person shall fraudulently evade, or shall aid and assist any person in fraudulently evading the payment of the toll for passing said bridge, that every such person shall forfeit and pay to the said company the sum of five dollars for every such offence, to be recovered by said company by action of debt, in the name of the treasurer of said company, to their use, in any court having cognizance thereof, which action shall in every instance be considered transitory in its nature.

CHAP. CCXXXIV.

An ACT for the relief of the president and directors of the Farmers' Turnpike Company.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the time for completing the farmers' turnpike road from Troy to Hudson, be extended to the first day of November, one thousand eight hundred and fifteen.

II. *And be it further enacted*, That the second proviso in the second section, and the third and fourth sections of the act, entitled "An act to extend the time for completing the farmers' turnpike road, from Troy to the city of Hudson," passed April twelfth, one thousand eight hundred and thirteen, be, and they are hereby repealed: *Provided*, That no toll shall be exacted at the southern gate, on the same road, of or from any person residing within the limits described by the following boundaries, to wit: by a line drawn at the Hudson's river, and running thence due east to the Claverack creek, keeping one and an half miles south of the said gate; thence along the said creek northwesterly to the bridge crossing the same at the Bettytown road; thence east to the old Claverack or post road; thence northerly along the said road to the bridge crossing the major Abrams or Kinderhook creek, near the village of Kinderhook; thence west to the road leading from the said village to the city of Hudson; thence southerly along the said road to the north bounds of the city of Hudson; thence westerly to the Hudson's river, following the said bounds; and thence southerly along the west bounds of the city of Hudson, to the place of beginning, including persons living on the said roads within the limits aforesaid.

III. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said turnpike road, to collect and receive from each and every foot passenger crossing or passing

on the bridge over the Kinderhook creek, or the major Abrams creek, two cents: *Provided*, That it shall be lawful for persons residing within half a mile of the said bridge, to commute with the said president and directors; if an adult, at the rate of and not exceeding one dollar per year; and if a minor, at the rate and not exceeding fifty cents per year. Proviso.

IV. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said turnpike road, at any time hereafter, to increase the rate of toll to be paid by persons crossing the said bridge, until it shall equal that of a full toll gate, as specified in the act incorporating the said president, directors and company. Toll may be increased.

CHAP. CCXXXV.

An ACT in addition to the act, entitled "An act to incorporate the Middleburgh Bridge Company."

Passed April 18, 1815.

WHEREAS by the act of incorporation, it was omitted to authorise said company to demand and receive toll from one-horse waggons and foot passengers: Therefore, Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall be lawful for the president and directors to demand, receive and take, for the use of said corporation, a toll not exceeding the following rates, to wit: for every one-horse waggon, nine-cents; for every foot passenger, one cent. Additional tolls.

II. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge across the Schoharie creek, or to pass said stream within the distance of one and an half miles instead of one mile down said stream, as is enacted in the fifth section of the act incorporating said company, under the penalties of the tenth section of said act: *Provided however*, That this amendment shall in no wise operate against any person or persons who live within one mile of the said half mile, which is by this act extended, from passing said stream within the distance of said half mile. Bridge not to be erected within a certain distance of that here-in mentioned.
Proviso.

CHAP. CCXXXVI.

An ACT to improve the roads therein mentioned,

Passed April 18, 1815.

WHEREAS the road laid out in pursuance of an act, entitled "An act appointing commissioners to lay out a road from Rome, in Oneida county, to lake Ontario," and also the road leading from Rome, to the house of John Hunaston, or Fish creek; thence to the village of Rotterdam, on the route run in the year one thousand eight hundred and six, for a turnpike road; thence along said route Preamble.

until it intersects the road to Oswego falls, as laid out by commissioners by virtue of a law in the year one thousand eight hundred and eight; thence along said road to said falls, and thence to Oswego, are great and important roads, and run through tracts of unsettled lands, so that they cannot be improved by the ordinary means provided by law: Therefore,

Lands to be
taxed or im-
proving
roads.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That there shall be assessed, levied and collected, in the same manner as the taxes for the contingent charges of the towns and counties within this state are assessed, levied and collected, except as herein otherwise provided, on every acre of land lying within one mile on each side of said roads, a sum not exceeding ten cents, nor less than three cents; and on every acre of land which is unsettled, lying more than one mile and not more than two miles on each side of said road, a sum not exceeding four cents, nor less than two cents; the assessment to be apportioned to the value of the land, for the purpose of improving said roads respectively, which money shall be expended throughout the whole extent of said roads respectively, as near as circumstances will permit.

B. Wright
assessor.

II. *And be it further enacted,* That Benjamin Wright shall be, and hereby is appointed an assessor, in lieu of the assessors of the different towns through which the said roads do pass, to make a fair assessment of said tax upon said lands, and to ascertain and describe the lands so assessed as accurately as may be, and the amount of the tax thereon, and to deliver the same in writing to the board of supervisors of Oneida county, at their next annual meeting; and it shall thereupon be the duty of the said supervisors, to insert such parts of the same as relates to each town, in the assessment rolls for such town, and thereafter such proceedings shall be had thereon in all respects, as if the same had formed part of the original assessment rolls.

Commission-
ers to give
bond.

III. *And be it further enacted,* That each of the commissioners appointed under this act, shall give a bond to the people of this state, with surety, to be approved by the treasurer of the county of Oneida, for the sum of five thousand dollars, with condition faithfully and punctually to perform all things required of him by this act, according to the true intent and meaning thereof; and that upon the said bond being deposited with the said treasurer, he shall, on the order of the said supervisors, pay to the said commissioners respectively, the sums of money assessed on said roads, deducting the collector's fees.

S. Torbert
commissioner

B. Wright &
D. S. Bates
commission-
ers.

IV. *And be it further enacted,* That Samuel Torbert be, and he is appointed a commissioner to expend the monies to be raised by virtue of this act, for the purpose of improving the road from Rome to Salmon river; and that Benjamin Wright, David S. Bates and Keuben Bristol be, and they are hereby appointed commissioners to perform the same duty on the said road from Rome to Oswego; and that it shall be the duty of the said commissioners to report to the said supervisors, at their annual meetings, their proceedings under this act.

V. *And be it further enacted,* That the said assessor shall be entitled to receive two dollars for each and every day he shall be

employed in performing the duties required of him by this act, and that the said commissioners shall be entitled to and retain in their hands, three per cent. on all the monies they shall respectively expend for the purposes of improving said road, as a compensation for contracting for and superintending the improvement thereof.

Allowance to the assessors and commissioners.

VI. *And be it further enacted*, That for the purpose of improving the road from Rome to the town of Turin, in the county of Lewis, on the route of the state road leading from Rome by Lawrence's mills, in Lee, to the state road leading from Johnstown to Sacket's Harbor, where it first intersects the same, all the provisions of this act for the improvement of the road mentioned in the first section, be extended to the road from Rome to Turin aforesaid, and for that purpose, that Moses Wright shall be the assessor, and that George Huntington, William Constable and Thomas E. Lawrence, shall be the commissioners to perform the respective duties assigned to the assessor and commissioner aforesaid, and be entitled to the same compensation for their services: And further, that the assessor shall make the return of his assessment as is provided by the second section of this act, to the board of supervisors of Oneida county and Lewis county, upon the land in those counties respectively: *Provided always*, That it shall be lawful for the persons owning lands on the different routes through which any or either of the roads authorised to be opened by this act shall pass, to make and improve the road so far as the same shall pass on his land, in the same manner, and of equal goodness with the road that shall be made by said commissioners on the other parts of said route; and the said commissioners, accepting of the same, their certificate certifying that they have so made the road through the lands they so own, shall be received by the person authorised to collect the tax assessed under this act, in full of the tax so assessed on the lands through which the said owner shall have made said road.

Provisions of the first section extended to improve road from Rome to Turin.

Assessor and commissioners.

Proviso.

CHAP. CCXXXVII.

An ACT appointing Commissioners to lay out the Road therein mentioned, within the counties of Oneida and Jefferson.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Benjamin Wright, of Rome, Ebenezer Wood and Oliver Scott, of Ellisburgh, or any two of them, be, and they are hereby authorised and empowered to lay out a road four rods wide, beginning at or near the ferry on the east side of Oswego river, opposite the village of Oswego, and pursuing from thence the most eligible and direct route through the towns of Mexico, (or New-Haven) Richland and Ellisburgh to Henderson's Harbor, and from thence the most eligible and direct route to Sacket's Harbor.

Road from Oswego river to Sacket's Harbor to be laid out and improved.

II. *And be it further enacted*, That each of the said commissioners shall, before he enters upon the duties of his said office, take and subscribe an oath or affirmation before a justice of the peace of

Commissioners to take an oath.

the county where he resides, that he will act without favor or partiality in laying out the road for which he is appointed.

Maps of the
road to be
made & filed.

III. *And be it further enacted*, That the said commissioners shall cause to be made an accurate map of the said road, together with the courses and distances of the same, and shall cause to be filed a copy of such part as shall pass through the counties of Oneida and Jefferson, in the respective clerks office in said county through which said road is laid, and also shall cause to be filed as aforesaid, a map of such part of said road as shall pass through the several towns, in their respective town clerk's offices for record.

Towns to
work the
road.

IV. *And be it further enacted*, That the town commissioners of the the towns thro' which said road shall be laid, shall without delay after recording of the route thereof as aforesaid, cause the said road to be opened and worked in their respective towns in the same manner as if the same had been laid out by the said town commissioners.

Lands to be
taxed for o-
pening and
making the
road.

V. *And be it further enacted*, That there shall be assessed, paid and collected for the purpose of opening and making the said road, viz. on every acre of non-resident land lying within one mile of said road, a sum not exceeding ten cents, nor less than three cents, and for every acre of land lying within two miles and more than one mile from the said road, a sum not exceeding five cents, nor less than one cent, which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof by the establishment of the said road: And further, that the said commissioners shall apply the whole of the monies to be raised or received by virtue of this act, to the making and improving such parts of the said road as in their discretion they may deem most beneficial.

Assessments
how to be
made.

To be filed in
the comptrol-
ler's office.

VI. *And be it further enacted*, That the said commissioners shall, as soon as may be after the route of the said road shall be marked and fixed upon by them, examine the lands hereby made subject to the said assessment, and make the said assessment fairly thereupon in writing, and shall ascertain and describe the parcels of land so assessed as accurately as may be, which said assessment so to be made in writing as aforesaid, shall be filed in the office of the comptroller of this state; and it shall thereupon be the duty of the said comptroller to give notice in the newspaper published by the printer to this state, and in one newspaper printed in the counties of Oneida and Jefferson, for three successive weeks, that he the said comptroller has received the assessment of a tax made agreeably to this act; and unless the said tax be paid within six months from the date of the said advertisement, it shall then be the duty of the said comptroller to give notice in the newspapers aforesaid, describing particularly all the lands on which the said tax shall remain unpaid, that the same will be sold at public sale by the said comptroller, in the city of Albany, to the highest bidder, or so much thereof as may be necessary to raise the amounts of the sum so assessed and remaining unpaid, together with all the expences of advertising, selling and conveying the same, on such day as he shall fix, not exceeding three months, nor less than two months from the date of the advertisement; and the said comptroller shall be and is hereby is authorised to execute a conveyance to the purchasers of

the land so sold, which shall vest the absolute title thereof, in fee simple, in the purchaser: *Provided*, That if the owner of such land so sold and conveyed by the said comptroller, shall, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per centum per annum, the said sale shall be void; and the monies so received by the said comptroller shall be paid by him to the said commissioners for the purpose of making the road aforesaid.

VII. *And be it further enacted*, That the said commissioners shall, previous to the receiving the said sums of money, enter into a bond, with such security and in such manner as shall be approved by the comptroller of this state, with whom the same shall be filed, with condition that they will faithfully expend and account for the said sums of money they shall so receive as aforesaid. Commis'rs to give bond.

VIII. *And be it further enacted*, That if any part of the said road shall be laid out through any improved lands, the owner or owners thereof shall be paid his or their damage by the town in which such improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed by an act entitled "An act to regulate highways." Damages to be paid.

IX. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to receive two dollars and fifty cents for each and every day they shall necessarily spend in laying out and establishing said road; and all expences incident to the same shall be levied, collected and paid in the said counties of Oneida and Jefferson, as other contingent charges are in said counties levied, collected and paid. Pay of the commis'rs.

CHAP. CCXXXVIII.

An ACT for the preservation of the Fishery in Hoag Pond, in Rensselaer County.

Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act until the first day of August in the year one thousand eight hundred and sixteen, it shall not be lawful for any person or persons, in any manner whatsoever, to fish or angle in the pond commonly called the Hoag pond, situate in the towns of Nassau and Schodack, in the county of Rensselaer, any where between the place called the upper dam in said pond and the distance of eighty rods up the creek emptying into the north end of said pond; and every person offending herein shall, for every such offence, forfeit the sum of ten dollars, to be recovered by any person who will sue for the same, by an action of debt, with costs, before any court having cognizance thereof.

An ACT to incorporate the Johnstown Turnpike Company.

Passed April 18, 1815.

Company in-
corporated.

Style, &c.

Proviso.

Commis'rs.

Stock.

Money sub-
scribed how
to be paid.Gates how to
be erected.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That William A. Reid, John Holland, Caleb Johnson, Joseph Cuyler, and all such other persons as shall associate with them by becoming subscribers to make a good and sufficient turnpike road, to begin at the house of Hugh Sanford, on Tripe's Hill, and from thence through the village of Johnstown, and to intersect the road leading from the court-house in said village, running westerly to the house of John C. Nellis, in the town of Oppenheim, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the Johnstown turnpike company," and by that name they and their successors shall be capable in law to hold, enjoy and retain to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, for the use of the said corporation: *Provided,* That such estate, as well real as personal, shall be necessary to fulfil the end and intent of this corporation, and to no other purpose whatsoever.

II. *And be it further enacted,* That James Ford, Caleb Johnson and Henry Frey Cox shall be commissioners to lay out the said road not herein particularly designated, and shall have the like power and authority, and be subject to the same regulations as are given and directed in and by the act entitled "An act relative to turnpike companies," passed the 13th March, 1807, any thing in the said act to the contrary notwithstanding.

III. *And be it further enacted,* That the stock of said company shall consist of one thousand five hundred shares of twenty dollars each; and that John Holland and David Rust shall be and hereby are appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies."

IV. *And be it further enacted,* That it shall and may be lawful for the president and directors to demand, receive and recover from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as the said president and directors shall see fit; and that the shares of such stockholders as shall refuse payment, and all the previous payments thereon, shall by such refusal be forfeited to the said president and directors.

V. *And be it further enacted,* That it shall and may be lawful for the president and directors of the said company to erect gates or turnpikes on and across the said road, one whereof shall be erected within two miles of the place where said road intersects the Mohawk turnpike road, near the house of John C. Nellis, one gate between said gate and the village of Johnstown, and one gate between said village and Tripe's Hill, at such places as the president and directors may think proper, provided the said gates shall not be nearer to each other than eight miles on said road between said vil-

lage and the said house of John C. Nellis: *And provided also,* That no gate shall be erected within the bounds or limits of the village of Johnstown.

VI. *And be it further enacted,* That whenever the said president, directors and company shall have completed eight miles of the said road, and the same shall have been inspected ^{Rates of toll.} and approved of according to law, they shall have a right to erect a toll gate thereon; and when the whole of the said road is completed and approved of as aforesaid, then they shall have a right to erect two toll gates as aforesaid, and to appoint toll gatherers to collect and receive of and from every person and persons using the said road, at the gate first above mentioned, the following rates of toll, to wit: for every score of hogs or sheep, eight cents; for every score of neat cattle, twenty cents; for every horse and rider, five cents; for every horse led or driven, four cents; for every sulkey, chair or chaise drawn by one horse, twelve and a half cents; for every cart or waggon drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage waggon or other four wheel carriage drawn by two horses, mules or oxen, ten cents, for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and in like proportion for a greater or less number of horses, mules or oxen; and at the other two gates half the rates of toll above mentioned.

VII. *And be it further enacted,* That the concerns of the said ^{Directors.} company shall be managed by five directors, and that the said directors shall choose a president; and any three of such directors when met shall form a quorum, and exercise all the powers, and be ^{Provided.} subject to all the duties given or enjoined by the act aforesaid: *Provided,* That nothing in this act contained shall be so construed as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any grist mill for grinding of grain for their family's use, or of or from any person or persons exempted or intended to be exempted therefrom by the aforesaid act entitled "An act relative to turnpike companies."

VIII. *And be it further enacted,* That the said company here- ^{Privileges.} by incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, other than as above excepted and provided for.

CHAP. CCXL.

An ACT to continue in force an act, entitled "An act relative to the pilots of the port of New-York."

• Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act, entitled "An act relative to the pilots of the port of New-York," passed the tenth

April, one thousand eight hundred and thirteen, be, and the same is hereby revived and continued in force until the first day of April, in the year one thousand eight hundred and eighteen.

CHAP. CCXLI.

An ACT to incorporate the ancient Britons' Benefit Society, of the village of Utica.

Passed April 18, 1815.

Preamble. WHEREAS divers individuals, with view to raise a fund to be appropriated towards their mutual relief, when rendered incapable of attending to their usual trade or calling, by reason of sickness or infirmity, and also for the purpose of preventing themselves and families from being chargeable to the public, when under affliction, have formed themselves into a society, to which they have given the name and style of "The ancient Britons' benefit society, of the village of Utica," and have, by their petition presented to the legislature, prayed to be incorporated: Therefore,

Company incorporated. 1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter may become members of the aforesaid society, shall be and hereby are ordained, constituted and appointed a body corporate and politic, in fact and in name, by the name of "The ancient Britons' benefit society, of the village of Utica," and by that name they and their successors shall and may have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever, and that they and their successors may have and use a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name and style of "The ancient Britons' benefit society, of the village of Utica," shall be capable in law of purchasing, holding and conveying any real and personal estate, for the use of the said incorporation: *Provided,* That the annual income of such real and personal estate shall not at any time exceed the sum of two thousand dollars.

Officers. II. *And be it further enacted,* That for the better carrying into effect the object of the said corporation, there shall be a president, vice president, secretary, two stewards, and a standing committee of five members, who shall hold their respective offices for one year, or until others be elected in their room; and that such elections shall be held at such times and places as the said corporation shall by by-laws from time to time appoint and direct; and that all the aforesaid officers shall be elected by ballot, by a majority of the members present at such election; and that in case any vacancies shall happen in either of the said offices, by death, resignation, or otherwise, such vacancy shall and may be filled up for the remainder of the year in which they shall respectively happen, by a special election for that purpose, to be held in the same manner as the said annual elections, at such times and places as shall be appointed by the said corporation.

III. *And be it further enacted*, That John Adams shall be the ^{First officers.} first president, William Francis the first vice-president, Daniel James the first secretary, John Stephens and Thomas George the first stewards, and Titus Evans, Henry Reed, John Rees, John Reed, junior, Thomas Thomas, Patner Loyd and William Davis the first standing committee, who shall hold their offices respectively for one year, or until others shall be duly elected in their room.

IV. *And be it further enacted*, That the said corporation and ^{By-laws may be made.} their successors shall have power from time to time to make and establish such by-laws, and alter and amend the same, as they from time to time shall judge proper, for appointing the times and places of electing officers, for the admission of new members of the said corporation, and the terms, conditions and manner of such admissions, and the amount of the sums which each member shall contribute to the funds of the corporation, and the time and manner of paying the same; and also for the management, disposition and application of the property, estate and effects, as also of the funds of the said corporation, for the purpose of carrying into effect the objects thereof, and for fixing the times and places of the meetings of the corporation, and the manner of conducting the proceedings of such meetings, and touching the duties and conduct of the officers of the corporation, and for imposing penalties for breaking or violating any such by-laws, and all such other matters as appertain to the business, end and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever: *Provided always*, That such by-laws, and the penalties imposed for violating any of them, be not repugnant to the constitution and laws of the United States or of this state.

V. *And be it further enacted*, That whenever any member of the said corporation shall violate and break any of the by-laws so made as aforesaid, or shall become liable to any penalty imposed by any such by-law, and shall neglect or refuse to pay the same, it shall and may be lawful in every such case for the said corporation to prosecute at law for the recovery of the said penalty: *Provided always*, That no such member shall be expelled otherwise than by the votes of at least two thirds of the members present at one of the stated meetings of the said corporation. ^{Members violating the same to be expelled.}

VI. *And be it further enacted*, That every member expelled from the said corporation shall thereafter be deprived from having or receiving any benefit or advantage whatever from the funds, property or estate of the said corporation; and that all payments and advances made by such member to the funds of the said corporation shall be forfeited to the same. ^{And to be deprived of any benefit from the funds.}

VII. *And be it further enacted*, That this act shall be and remain in full force and virtue for the term of fifteen years, that is to say, from the first Monday of March, in the year of our Lord one thousand eight hundred and fifteen, to the first Monday of March, which will be in the year of our Lord one thousand eight hundred and thirty: *Provided nevertheless*, That in case the said Ancient Britons' benefit society shall at any time divert from, or appropriate its funds, or any part of its funds, to any purpose or purposes other than those intended and contemplated by this act, and shall be thereof convicted by due course of law, that thenceforth the said ^{Duration of this act.} ^{Proviso.}

corporation shall cease and determine, and the estate, real and personal, whereof it may then be seized and possessed, shall vest in the people of this state.

This is a public act.

VIII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose therein contained.

CHAP. CCXLII.

An ACT for the relief of the actual settlers on the north-west part of the Oneida reservation, in the town of Sullivan, in the county of Madison.

Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the whole of the interest on the several bonds executed to the people of this state for the purchase monies of all such lots in the north-west part of the Oneida reservation, as were actually settled and improved before the eighteenth day of March, in the year of our Lord one thousand eight hundred and fourteen, calculated on the original amounts of said bonds respectively, to the first day of March, in the year one thousand eight hundred and fourteen, be, and the same is hereby remitted; and the comptroller shall credit such lots respectively with said remission, whenever satisfactory proof shall be produced to him of such improvements and settlements having been made; and instead of the remissions of interest heretofore granted on any lot or lots in the said north-west part of the Oneida reservation, the whole of the interest on the original amount of the bonds respectively, to the first day of March, one thousand eight hundred and fourteen, shall be remitted, and the amount be credited either as interest or principal, as the several cases may require: *Provided*, That the provisions of this act shall extend to those only who are now actual settlers on the said lots.

CHAP. CCXLIII.

An ACT relative to the number and times of holding the Courts of Common Pleas and General Sessions of the Peace in the county of Herkimer.

Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That there shall be one additional term of the court of common pleas, and only two terms of the courts of general sessions of the peace in and for the county of Herkimer; and that instead of the present times of holding the said courts respectively, they shall hereafter be held at the times following, to wit: the court of common pleas, on the first Tuesdays of April, Ju,

ly and October, and the second Tuesday in December; and the court of general sessions of the peace on the first Tuesdays of April and October in each year; and that such courts may respectively be held and continued until Saturday of the week succeeding the said Tuesday of each week in which said term shall commence as aforesaid, inclusive, not to take effect until the fifteenth day of May next.

CHAP. CCXLIV.

An ACT for the relief of Esther Foot.

Passed April 18, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, of in and to the real estate whereof Adam Miller was lawfully seized and possessed at the time of his death, be and the same is hereby vested in Esther Foot, her heirs and assigns forever.

CHAP. CCXLV.

An ACT for the relief of the persons therein mentioned.

Passed April 18, 1815.

WHEREAS in consequence of the death of the clerk of the county of Richmond, there being no deputy clerk therein, the supervisors of the towns of Westfield and Southfield, in said county, did employ Gilbert Totten as a special messenger, to convey and deliver at the office of the secretary of state, the returns of the annual election in said towns for the year one thousand eight hundred and fourteen; and whereas the said Gilbert did duly deliver the same: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the treasurer of this state, on the warrant of the comptroller, pay to Gilbert Totten the usual allowance made by law in like manner as if he had been employed by the clerk of the said county of Richmond.

II. *And be it further enacted,* That the comptroller audit the accounts of Nathaniel Valentine and Benjamin Fowler, overseers of the poor of the town of Yonkers, in the county of Westchester, for the support for one year, ending in April, in the year one thousand eight hundred and fourteen, of two persons who were slaves to the late Frederick Philips, esquire, whose estate was confiscated, if the same be certified and approved in the manner directed by the statute in such case made and provided; and that the same be paid by the treasurer, notwithstanding the amount of such accounts shall exceed the rate of three dollars per month for each slave, as provided by the twenty-fifth section of the act, entitled "An act concerning slaves and servants," passed April 9th, 1813.

Joseph De
Sylvarelieved

III. *And be it further enacted*, That on the payment of fifty dollars on his bond and mortgage to the people of this state, by Joseph DeSylva, the comptroller is hereby authorised and required to discharge the same.

CHAP. CCXLVI.

An ACT to open and improve a road from Mexico harbor, to meet a road in the town of Constantia, leading from Oswego to the village of Rotterdam, in the county of Oneida.

Passed April 18, 1815.

Commission-
ers to lay out
the road.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That David Williams, Dyer Burnham and Calvin Tiffany, be and they are hereby appointed commissioners, to lay out a public road or highway four rods wide, by the most direct, eligible and convenient route from Mexico harbor, on Lake Ontario, in the county of Oneida, to meet the road in the town of Constantia in said county, leading from Oswego to the village of Rotterdam, on Oneida lake.

They shall
file a descrip-
tion of the
route.

II. *And be it further enacted*, That when the said commissioners shall have laid out said road, they shall cause a description of the route of the road to be recorded in the offices of the clerks of the several towns through which the said road shall pass ; and the commissioners of highways in the said several towns, shall, without delay, after the recording of the route thereof as aforesaid, cause the said road to be opened and worked in their respective towns, in the same manner as if the same had been laid out by the said town commissioners.

Damages to
be paid.

III. *And be it further enacted*, That when any part of the said road shall be laid out through any enclosed lands, the owner or owners thereof, shall be paid his or their damages by the town in which the said improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed by an act entitled " An act to regulate highways."

Lands to be
taxed for making the road

IV. *And be it further enacted*, That there shall be assessed, paid and collected for the purpose of opening and making said roads, to wit : on every acre of land lying within one mile of said road, except the land belonging to the people of this state, a sum not exceeding eight cents nor less than three cents, and for every acre of land lying within two miles and more than one mile from the said road, a sum not exceeding four cents nor less than one cent ; which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof, for the establishment of the said road, provided no land shall be liable to assessment by virtue of this act, which has been or may be hereafter assessed by virtue of any former statute law of this state for opening and improving other roads.

Assessment
how to be
made.

V. *And be it further enacted*, That the said commissioners shall, as soon as may be after the route of the said road shall be marked and fixed upon by them, examine the lands hereby made

subject to assessment, and make the said assessment fairly thereupon in writing, and shall ascertain and describe the parcels of land so assessed as accurately as may be, which said assessment so to be made in writing as aforesaid, shall be filed in the office of the comptroller of this state; and it shall thereupon be the duty of the comptroller to give notice in the newspaper published by the printer to this state, and in one newspaper printed in the county of Oneida, for three successive weeks, that he the said comptroller has received the assessments of a tax made agreeably to this act; and unless the said tax be paid within six months from the date of the said advertisement, it shall then be the duty of the said comptroller to give notice in the newspapers aforesaid, describing particularly all the land or parcels of land on which the said tax shall remain unpaid, that the same will be sold at public sale by the said comptroller, in the city of Albany, to the highest bidder, or so much thereof as may be necessary to raise the amounts of the sum so assessed and remaining unpaid, together with all the expences of advertising, selling and conveying the same, on such day as he shall fix, not exceeding three months nor less than two months from the date of the advertisement; and the said comptroller shall be, and hereby is authorised to execute a conveyance to the purchasers of the land so sold, which shall vest the absolute title thereof, in fee simple, in the purchaser: *Provided* the owner of such land so sold and conveyed by the said comptroller, shall not within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per centum per annum, and the monies so received by the said comptroller shall be paid by him to the said commissioners for the purpose of making the road aforesaid: *Provided however*, That previous to the receiving of the said sums of money, the said commissioners shall enter into a bond, with such security and in such sum as shall be approved by the said comptroller, with whom the same shall be filed, with condition that they will faithfully expend and account for the said sum of money according to the true intent and meaning of this act; and the certificate of the said comptroller shall be deemed and considered as proof of the said commissioners' having complied with the requisites of this act.

VI. *And be it further enacted*, That each of the commissioners appointed by this act, shall be entitled to receive out of the monies to be paid to them, two dollars and fifty cents for each and every day's service in which they shall be employed in exploring, marking and laying out the said road, or in making the said assessment required by this act, or in expending the said monies on said road, together with the wages and necessary expences of such persons as they shall necessarily employ to assist them in executing the duties enjoined by this act.

Comptrol-
ler's duty.

Provide.

Provide.

Pay of the
commissioners.

CHAP. CCXLVII.

An ACT to extend the act entitled "An act to incorporate the Phoenix Insurance Company of New-York."

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act entitled "An act to incorporate the Phoenix insurance company of New-York," passed the 20th day of February, one thousand eight hundred and seven, shall be, and hereby is continued in force for twenty-one years from and after the time of its present limitation, and no longer; and that the act entitled "An act to amend an act entitled an act to incorporate the Phoenix Insurance Company of New-York" passed the 25th day of March, one thousand eight hundred and fourteen, be, and hereby is repealed: Provided, That all insurances and other contracts made by the said company under the last mentioned act shall be as valid and effectual as if this present act had not been passed; and all the present funds of the said company shall remain liable therefor.*

II. *And be it further enacted, That all premiums for insurance of property against fire which may have been made by the said company since the 25th day of March, one thousand eight hundred and fourteen, shall, upon due application, and surrendering the policies upon which the same was paid, be returned, after deducting such sum for the time that the risk has been run as the same bears to the whole time for which said property was insured.*

CHAP. CCXLVIII.

An ACT to incorporate the Fulton Steam Boat Company.

Passed April 18, 1815.

Preamble. WHEREAS Josiah Ogden Hoffman, Cadwallader D. Colden and William Cutting, in behalf of themselves and their associates, have represented that they, the said Josiah Ogden Hoffman, Cadwallader D. Colden and William Cutting did purchase of the late Robert R. Livingston and Robert Fulton, a right to the exclusive navigation of the waters of the East river or Sound, or some part thereof, by the means of steam or fire, and also a right to the exclusive use in such navigation of the inventions of the said Robert R. Livingston and Robert Fulton, or either of them; and that the said Josiah Ogden Hoffman, Cadwallader D. Colden and William Cutting, and their associates, are now possessed of the said exclusive rights; and that they have at a great expence, constructed and fitted a steam boat called the Fulton, which is now employed in the navigation of the said waters. And whereas the said petitioners have also represented, that the affairs of the said petitioners and their associates can be better conducted under an incorporation, and therefore praying that an act may be passed incorporating the said petitioners and their associates and successors. And whereas the legislature is disposed to encourage an enterprize which has been

attended with so much hazard and expence, and which may be of great utility and benefit to the public : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the said Josiah Ogden Hoffman, Cadwallader D. Colden and William Cutting, and their associates, and all persons who now are or hereafter may be holders of the stock hereinafter mentioned, are hereby declared to be a body corporate, by the name of "The Fulton steam boat company," so to remain and continue until the eleventh day of April, in the year one thousand eight hundred and thirty-eight. Company incorporated.
Style, &c.

II. *And be it further enacted,* That the capital stock of the said company shall not exceed the sum of two hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each, of which shares the present stockholders or associates shall have a number equal to the interest which they respectively hold, or may from time to time hold in the actual capital or stock of the said petitioners and their associates, employed in the said steam boat and navigation. Stock.

III. *And be it further enacted,* That the affairs of the said corporation shall be conducted and managed by not less than three nor more than five directors, who shall be annually chosen after the first day of May, one thousand eight hundred and sixteen, on the first day of May in every year, by the stockholders, which election shall be by ballot, and each stockholder in such election shall be entitled to one vote for each share he owns at the time of such election; that until the first day of May, one thousand eight hundred and sixteen, the said Josiah Ogden Hoffman, Cadwallader D. Colden, William Cutting and John Mott shall be the directors of the said corporation, and shall continue to be directors until others shall be duly elected. Directors.
First directors.

IV. *And be it further enacted,* That the directors aforesaid, and those who may from time to time be elected, shall as soon as may be after their election, appoint one of their number to be president; and shall have power to make such by-laws, not inconsistent with the laws of this state or of the United States, and to appoint such officers, agents, clerks and servants as may be necessary for transferring the stock of the said corporation, and the better ordering, regulating and conducting the affairs of the said corporation and the election of directors; and if an election of directors should not be made when pursuant to this act the same ought to be made, the directors for the time being shall continue to be directors until others be elected. President to be chosen &c. by-laws to be made.

V. *And be it further enacted,* That nothing herein contained shall be taken to authorise the said corporation to employ any part of their capital for banking purposes, or for any other object than for those connected with the navigation herein before mentioned. Restrictions.

CHAP. CCXLIX.

An ACT authorising the President, Directors and Company of the Bank of Newburgh to establish an Office of Discount and Deposit in the village of Ithaca, in the county of Seneca.

Passed April 18, 1815.

WHEREAS sundry inhabitants of the village of Ithaca, in the county of Seneca, have prayed that a branch of the said bank might

be established in the said village of Ithaca, in the county of Seneca: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company of the bank of Newburgh to establish an office of discount and deposit at the village of Ithaca, in the county of Seneca, under such rules and regulations as are or may be practised at the said bank, and to commit the management of the said office of discount and deposit to such persons as they may deem proper, and under such rules and regulations as may be prescribed by the said president, directors and company of the bank of Newburgh, not being contrary to the constitution or laws of this state or of the United States: Provided always, That all bills or notes issued by the said office of discount and deposit, whether the same be made by or under the authority of the president and directors thereof, or originally issued by the said bank of Newburgh, and re-issued or paid out at the said office of discount and deposit, shall be redeemable on demand at the said office of discount and deposit, in the same manner as the notes and bills of other banks are redeemable by the respective banks issuing the same; and for the purpose of designating and distinguishing such bills or notes of the said bank of Newburgh as shall be re-issued or paid out at the said office of discount and deposit at Ithaca, it shall be the duty of the president or cashier of the said office of discount and deposit to indorse or countersign the same previous to the re-issuing thereof, under the penalty for each offence, of the nominal amount of each bill or note so re-issued or paid out, and omitted to be indorsed or countersigned as aforesaid, to be recovered by action of debt in any court having cognizance thereof, in the name and to the use of any person who will sue for the same to effect.

CHAP. CCL.

An ACT relative to the qualifications of jurors in the counties of Niagara, Genesee, Chautauque, Allegany, St. Lawrence, Jefferson, Lewis and Franklin.

Passed April 18, 1815.

Preamble. WHEREAS, it is represented and appears to the legislature, that divers inhabitants of the counties of Niagara, Genesee, Chautauque, Allegany, St. Lawrence, Jefferson, Lewis and Franklin, otherwise qualified to serve as jurors, have not yet obtained an estate in fee in the lands possessed by them, but hold the same under articles of agreement or contract, and that thereby all the important duties of jurors fall entirely on and become extremely burthensome to a few individuals of the said counties: For remedy whereof,

Certain persons qualified to serve as jurors. I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That in addition to those persons qualified to serve as jurors by any previous existing law of this state, all free male inhabitants of the said counties of Niagara, Genesee, Chautauque, Allegany, St. Lawrence, Jefferson, Lewis and Franklin, who are in possession of lands under a contract for*

the purchase of the same, and are worth the sum of one hundred and fifty dollars in personal property, or have made improvements on such lands to that amount, free from all reprises, debts, demands or incumbrances whatsoever, shall be good and sufficient jurors in all the courts to be holden in the said counties of Niagara, Genesee, Chautauque, Allegany, St. Lawrence, Jefferson, Lewis and Franklin; and in lieu of the words directed by law to be inserted in the jury process or venire, it shall be lawful to insert general words, comporting with the qualifications described in this act, so far as regards an estate in fee, any thing in any former law contained to the contrary notwithstanding.

11. *And be it further enacted*, That all the duties required to be performed by the clerks of counties, and by the supervisors, town clerks and assessors of the several towns in this state by the 13th section of the act entitled "An act for regulating trials of issues, and for returning able and sufficient jurors," relative to persons qualified to serve as jurors, shall be performed by the clerks of counties, supervisors, town clerks and assessors in the several counties mentioned in the first section of this act, relative to all such persons as are by this act qualified to serve as jurors in those counties.

Duties of certain officers.

CHAP. CCLI.

An ACT relative to the village of Oneida Castleton, and for other purposes.

Passed April 18, 1815.

WHEREAS the surveyor-general has, pursuant to the directions of the legislature, reported a plan of a village, located on the east side of the Oneida creek, called the Oneida Castle, and it is requisite that the future disposition thereof be directed by law: Therefore,

Preamble.

1. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said village shall be called and known by the name of Oneida Castleton, and that the commissioners of the land office shall, from time to time, direct the surveyor-general to sell so many of the lots laid out, or to be laid out in said village, as they shall deem best for the interest of the state, according to the plan reported as aforesaid, or with such alterations as they may judge proper to direct without essentially varying the same, that such sales shall be at public auction, after notice thereof for eight weeks successively given in the newspaper published by the printer to this state, in one newspaper published in the city of New-York, and in the newspapers published in the city of Albany and the county of Oneida, that the commissioners of the land office shall affix the minimum prices to the said lots at which the same may be sold, and if any of them shall have been put up for sale at auction, and no bid at or above the minimum price shall be received, the said commissioners may either direct such lots to be sold at such minimum prices, to the first applicants,

Name of the village.

Lots in how to be sold.

or reserve them to be afterwards again exposed to sale at auction; that the conditions of sale shall be that at least one-eighth part of the purchase money be paid within twenty-four hours after sale, and the remainder in six equal annual instalments, with interest at the rate of six per cent. per annum, to be secured by the bonds of the purchaser, and that letters patent shall not be granted for any lot until the whole of the consideration be paid; that so many of said lots as the said commissioners shall judge proper, shall be sold on the further condition that within three years thereafter there shall be erected on them respectively, buildings to the value of two hundred and fifty dollars, under the penalty of a forfeiture of all right to the lots concerning which there shall be a failure in this condition, and also of the monies paid for the same.

Indian improvements to be appraised.

II. *And be it further enacted*, That the commissioners of the land office shall cause appraisements to be made of the value of the improvements made and occupied by Indians on the tract on which said village is located, and ascertain the several Indians who are the owners or occupants of such improvements respectively, and thereof make a report to the person administering the government of this state, whose duty it shall be at the time of payment next thereafter of the Indian annuities, to cause payments to be made to the several Indians mentioned in said report, of the sums respectively at which their improvements shall have been appraised as aforesaid, in consideration of their surrendering such improvements to the people of this state.

Part of a former act repealed.

III. *And be it further enacted*, That the eighteenth section of the act, entitled "An act concerning the commissioners of the land office, and the sale of unappropriated lands," shall be construed to apply to all cases arising under the operations of this act.

Gov. authorised to purchase land from the Stockbridge and Brothertown Indians

IV. *And be it further enacted*, That the person administering the government of this state shall be, and he is hereby authorised to purchase from the Stockbridge and Brothertown Indians in behalf of this state, such part of their reservation and lands as they may be desirous of selling, and that the treasurer be, and he is hereby authorised, on the warrant of the comptroller, to pay to the order of the governor, the sum of two thousand dollars to defray the expences of completing the said purchase.

CHAP. CCLII.

An ACT to amend the act, entitled "An act for the better establishment of Common Schools."

Passed April 18, 1815.

Rate bills and tax lists how to be made out.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in making out the rate bill or tax list mentioned in the eighteenth section of the act hereby amended, it shall be the duty of the trustees of each school district to make out the same in such manner as to raise the tax voted for by their district, with five cents on a dollar of said tax for collector's fees, on all the taxable inhabitants residing in such dis-

strict at the time of making out such rate bill or tax list aforesaid, according and in proportion to the valuations of their taxable property at the time last aforesaid, within the town in which such district shall be situated; and the valuations of such property shall be ascertained and taken from the then last assessment roll of the town, so far as the same can be ascertained and taken therefrom; and none of the said inhabitants shall be entitled to any reduction in the valuations of their property contained in the last assessment roll of the town, unless they shall give notice of their claim to such reduction to the trustees aforesaid, before the rate bill or tax list aforesaid shall be made out by them; and in all cases in which such reduction shall be claimed by any of the said inhabitants, and notice thereof shall be given as aforesaid; and in all cases in which the valuations of the taxable property of any of the said inhabitants at the time last aforesaid cannot be ascertained and taken from the said last assessment roll of the town, it shall and may be lawful for the trustees aforesaid to enquire into and ascertain the same from the best evidence in their power, giving notice thereof to the person or persons affected thereby; and if any such person shall, within five days after such notice received, make and deliver to the trustees aforesaid, an affidavit before any justice of the peace, that the value of his or her taxable property does not exceed a certain sum, specifying the same, the sum mentioned in such affidavit shall be taken and considered by the said trustees as the true valuation of such property.

II. *And be it further enacted*, That if any person has paid, or shall hereafter pay, under a lawful assessment in any school district, a district tax for building a school-house therein, and such person shall within four years previous to the time of paying such tax, have been detached and set off from any other district by the commissioners of common schools, without his or her consent or request, and shall have actually paid in such other district, within the said four years, under a lawful assessment therein, a district tax for building a school-house in such other district, and shall, within a reasonable time, make affidavit of such facts before any magistrate, and lay the same before the commissioners of common schools, or any two of them, for the town in which the district from which he or she shall have been detached and set off as aforesaid, and in which he or she shall have paid such district tax as aforesaid, shall be situated; and if such commissioners shall be satisfied that the facts set forth in such affidavit are true, and that the tax, or any part thereof, paid by such person as aforesaid, for building a school-house in the district from which he or she shall have been detached as aforesaid, ought, under all circumstances to be considered by them, to be refunded to such person by such district, it shall and may be lawful for the said commissioners, or any two of them, to direct and require the trustees of such district to refund the same accordingly, within a given time to be fixed by them the said commissioners; and it shall and may be lawful, and shall be the duty of such trustees, when so directed and required by the said commissioners aforesaid, to raise the sum to be required as aforesaid, together with the next district tax to be raised thereafter by them in their district, and in the same manner as such district tax shall be raised, and to refund the same when so raised, to such person as aforesaid; and if such trus-

Persons paying money & afterwards detached and set off from another district without their consent to be repaid.

tees shall refuse or neglect to raise and refund such sum in the manner aforesaid, and within the time to be directed as aforesaid, it shall and may be lawful for the commissioners aforesaid to retain such sum out of the monies which shall next thereafter be apportioned by them to such district out of the monies which shall come into their hands for the use of the common schools of their town, and to pay the same to such person as aforesaid.

Town clerk
to be clerk to
the commis-
sioners of
common
schools.

III. *And be it further enacted*, That the town clerk shall, by virtue of his office, be the clerk of the commissioners of common schools in each town; and that it shall be his duty, as such clerk, to receive and keep all books, records, writings and papers, belonging to the said commissioners; to prepare, under their direction, all reports, estimates and apportionments to be made by them; to receive all such communications as may be directed to him by the superintendent of common schools, and to dispose of them in the manner directed; to transmit to the clerk of his county all such reports as may be made to him by the commissioners aforesaid, and generally to do and receive all such acts, matters and things as appertain to the office and duty of such clerk; and for all such services he shall be entitled to such compensation, as the board of supervisors of his county, on his accounts thereof to be presented to and audited by them, shall allow; and such compensation shall be considered as part of the town expenses, and shall be paid in the same manner as other town expenses are by law to be paid.

Upon his
death or re-
moval the re-
cords, &c. to
be delivered
to his succe-
sor.

IV. *And be it further enacted*, That upon the death, or expiration of the office of the town clerk, all records, books, writings and papers belonging to the office of the said town clerk, as clerk of the commissioners of common schools, shall be delivered to the successor in office, in the same manner, and at the same time, as is or shall be provided by law in such cases, for the delivery of the records, books, writings and papers belonging to the office of such town clerk, to such successor in office; and for refusal or neglect to deliver such records, books, writings and papers, in manner aforesaid, the same penalties and forfeitures shall be incurred, to be recovered in the same manner as is, or shall be provided by law for refusal or neglect to deliver, in such case, the records, books, writings and papers, belonging to the office of town clerk to such successor in office as aforesaid.

Accounts of
the commis-
sioners to
be exhibited.

V. *And be it further enacted*, That the commissioners of common schools in each town shall, after the termination of their respective offices, exhibit and lay before the board, appointed by law to examine and audit the accounts of the overseers of the poor in each town, and at the next meeting of the said board, after the termination of their respective offices aforesaid, a just and true account of all monies by them respectively received for the use of common schools in their town, and how the same shall have been expended by them; and all such accounts shall be audited by the said board, in the same manner as the accounts of the overseers of the poor are by law to be examined and audited by them; and if, on the auditing of such accounts as aforesaid, any balance of the monies received as aforesaid shall be found remaining in the hands of the said commissioners, or any of them, the same shall, immediately thereafter, be paid by the commissioner or commissioners, in whose hands the same shall be found as aforesaid to their successors in office, or some one of them; and if the said

balance or any part thereof, shall have been appropriated by the said commissioners to any particular school district in their town, and shall have remained in their hands for the use of such district, a statement of such appropriation shall be delivered over, together with such balance, to their successors in office, or some or one of them, as aforesaid, and such balance or so much thereof as shall have been appropriated as aforesaid, shall be paid by such successors in office, when received by them, according to such appropriation; and if any of the said commissioners of common schools shall refuse or neglect to exhibit such account as aforesaid, in the manner aforesaid, or shall refuse or neglect to pay over to his successor in office as aforesaid, any balance which shall be found to remain in his hands as aforesaid, together with the statement of the appropriation, if any there shall be, of such balance to be made as aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered with costs of suit, in any court having jurisdiction thereof, by action of debt, in the name of the said successors in office, or of any one of them, or in the name of any other person, and such sum, when so recovered, shall be paid to and applied by the said successors in office, to the use of the common schools in their town; and it shall and may be lawful for the said successors in office, or any one of them, to sue for, in his or their own name, and to recover against the said commissioner or commissioners, his or their executors, or administrators, in whose hands any such balance shall be found in the manner aforesaid, or shall be legally proved in any other manner, to be, and which shall not have been paid over by him or them to the said successors in office as aforesaid, the amount of such balance, together with interest thereon, from the time the same ought to have been paid as aforesaid, with costs of suit, by action for money had and received to the use of the common schools of their town, in any court having cognizance thereof; and such monies, so to be recovered, shall be applied to the use of such schools in the same manner as if the same had been paid over as aforesaid, without suit.

Penalty for refusal or neglect.

VI. *And be it further enacted*, That the trustees of each school district shall, on the expiration of their respective offices, exhibit to their successors in office, if required by them or any of them, a just and true account of all monies received by them respectively, for the use of their district, and in what manner the same shall have been expended by them; and if it shall appear from any such account, that any balance of the monies received as aforesaid, shall remain in the hands of the said trustees, or any of them, at the time such account shall be exhibited as aforesaid, the same shall be paid immediately thereafter, by the trustee or trustees in whose hands the same shall be found as aforesaid to be, to the said successors in office, or some or one of them; and if any such trustee shall refuse or neglect to exhibit his account as aforesaid, or to pay over as aforesaid any balance which shall be found in his hands as aforesaid, he shall forfeit and pay the sum of twenty-five dollars, to be recovered with costs of suit, in any court having jurisdiction thereof, by action of debt, in the name of the said successors in office, or any one of them, or in the name of any other person; and such sum, when so recovered, shall be paid to and applied by the said successors in office, to the use and benefit of their district school; and it shall and may be lawful for the said successors in office,

Trustees of school districts to exhibit accounts.

or any one of them, to sue for, in his or their own name, and to recover against the said trustee or trustees, his or their executors or administrators, in whose hands any such balance shall be found in the manner aforesaid; or shall be legally proved in any other manner, to be, and which shall not have been paid over by him or them, to the said successors in office as aforesaid, the amount of such balance, together with the interest thereon, from the time the same ought to have been paid as aforesaid, with costs of suit, by action for money had and received to the use of their school district, in any court having cognizance thereof; and such monies so to be recovered, shall be applied to the use of the said district, in the same manner as if the same had been paid over as aforesaid without suit.

Property granted for the use of common schools, how to be held.

VII. *And be it further enacted*, That the commissioners of common schools in each town shall be enabled to hold any property which has been or shall hereafter be granted to them for the use and benefit of the common schools in their town, and such property shall be to them and their successors in office, in the same manner as if they were a body politic and corporate in law: *And further*, That all property which has heretofore been granted to any school district, or to any former trustees of any school district, for the use and benefit of their district school, shall be taken and deemed to be vested in the present trustees of such school district, for the use and benefit of their school, in the same manner as if such property had been granted to them for such use and benefit; and the trustees of any school district shall be enabled to hold any property so vested in them as aforesaid, or which has heretofore been granted to them, or shall hereafter be granted to them, for the use and benefit of their district school; and such property shall be to them and their successors in office, in the same manner as if they were a body politic and corporate in law.

Two trustees may transact business.

VIII. *And be it further enacted*, That any act required to be done by the trustees of any school district, may be done by any two of them, any thing in the act hereby amended to the contrary notwithstanding.

Forms of reports to be prepared by the superintendent.

IX. *And be it further enacted*, That the superintendent of common schools shall prepare suitable forms and regulations for making the reports and conducting the proceedings required under the act hereby amended, and shall cause three thousand copies of the same, together with this act, to be printed and distributed among the several towns of this state, for the use of the common schools therein, in such manner as he shall think proper; and for defraying the expenses of printing and distributing the same, the sum of five hundred dollars, or so much thereof as shall be sufficient for that purpose, shall be paid to the superintendent, on the warrant of the Comptroller, out of any monies in the treasury not otherwise appropriated.

Taxes on tenants at will, how to be collected.

X. *And be it further enacted*, That in all cases in which any tax has been, or hereafter shall be, assessed on any individual who may be in possession of real estate, as tenant at will or for one year, for the purpose of purchasing a site for, and building or repairing a school-house and the appendages, for or on account of any real estate of which he may be in possession, it shall and may be lawful for the tenant to charge the landlord with the amount of such tax so paid by him, unless there shall have been, or hereafter be, an agreement on the part of such tenant to pay the taxes on such real estate.

CHAP. CCLIII.

An ACT further to extend the time allowed by law for the completion of the Utica and Minden and Neversink Turnpike Road Companies.

Passed April 18, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time allowed by law for the completion of the Utica and Minden turnpike road, be and is hereby extended to the first day of January, eighteen hundred and eighteen.

II. And be it further enacted, That the act incorporating the president, directors and company of the Neversink turnpike road, be and the same is hereby revived and continued in force ; and that the time allowed by law for the completion of the said road be and is hereby extended to the first day of January, in the year one thousand eight hundred and twenty-five.

CHAP. CCLIV.

An ACT to vest certain powers in the freeholders and inhabitants of the village of Canandaigua.

Passed April 18, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the district of country in the town of Canandaigua and county of Ontario, comprised in the following bounds, that is to say, west by the west line of West-street, north by the north line of the village lots, east by the east line of East-street, and to continue the same in a right line until it intersects the south line of the Seneca turnpike, and south by a right line drawn thence across the north end of Canandaigua lake to a point formed by the north-east corner of back lot number ten, west of Main-street, on the west shore of the said lake, and thence along the north line of the said back lot number ten until it intersects the said West-street, shall hereafter be known and distinguished by the name of "The village of Canandaigua."

Bounds of
the village.

II. And be it further enacted, That the freeholders and inhabitants qualified to vote at the town-meetings, who may reside within the aforesaid limits, may, on the first Tuesday of June next, meet at some proper place therein, to be appointed and notified to the inhabitants by any justice within the said village, at least one week previous to the said first Tuesday of June, and then and there proceed to elect five freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified ; and such justice shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen trustees ; and on every first Tuesday of June after the first election of trustees, there shall in like manner be a new election of trustees for the said village ; and the trustees for the time being shall perform the several duties required from the

Election how
to be held.

said justice, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

Style & powers of the corporation.

III. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits, be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The trustees of the village of Canandaigua," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the said village, and of erecting fire-engine houses, of raising money by tax for the purchase of fire-engines, and for erecting fire-engine houses, or for making any public improvements or necessary repairs, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village qualified to vote at town-meetings, at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no taxes shall be levied, or monies raised, assessed or collected for erecting such fire-engine houses, nor such houses be erected without the consent and approbation of the freeholders and the legal voters of the said village, or the major part of them, in open meeting, duly notified by the said trustees, by written or printed notices, to be put up in three public places in such village at least one week previous to such meeting.

Proviso.

By-laws.

IV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, and for their successors in office, forever, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as may relate to public markets within said village; relative to the streets, alleys and highways therein, and draining, filling up, paving, keeping in order and improving the same; relative to slaughter-houses and nuisances generally; relative to a town-watch and lighting the streets of the said village; relative to the number of taverns or inns to be licensed in the said village; relative to the restraining of geese, swine, or cattle of any kind; relative to the inspection of weights and measures, and relative to erecting and regulating hay-scales; and relative to any thing whatsoever that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale: *Provided*, That such by-laws be not contrary to or inconsistent with the laws and statutes

of this state or of the United States : *And provided always*, That any monies to be raised for paving any street or streets, or flagging or improving the foot walks or side ways, shall be assessed, levied and collected in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets so to be paved or flagged, in proportion as nearly as may be to the advantages which each be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fine against the offenders of such laws as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered, by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of said corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of the village of Canandaigua in the amount of the debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Fines and
Penalties.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Canandaigua, qualified to vote at town-meetings, at their annual town-meetings on the first Tuesday of June in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall be and they are hereby authorised, by plurality of votes, to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors; one treasurer, being also a freeholder; one collector, and as many fire-wardens as the trustees for the time being, or the major part of them, may order and direct; and in case of vacancy, by death, removal, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, to appoint some suitable person to fill such vacancy; and the person so to be appointed shall be vested with the like powers, and be subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of the said village, as above mentioned.

Assessors, col-
lector, treas-
urer & fire-
wardens.

VII. *And be it further enacted*, That the trustees, treasurer, collector, assessors and fire-wardens shall, within ten days after each and every election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

They shall
take an oath.

VIII. *And be it further enacted*, That the treasurer and collector hereafter to be elected, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them as the major part of the trustees for the time being shall deem sufficient.

Treasurer &
collector to
give security.

IX. *And be it further enacted*, That if any of the inhabitants of the said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or assessor, or fire-warden, and having no-

Penalty for
not serving
when elected
to office.

tice thereof, shall refuse, deny, delay or neglect to take upon him or them to execute such office or trust to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon any such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they the said trustees, or the major part of them, may think fit, to be recovered by action of debt, with costs, in manner herein before directed for the recovery of penalties or forfeitures imposed by the laws of the said trustees.

President.

His duty.

X. *And be it further enacted*, That the trustees, or the major part of them, within ten days after their being elected, in every year hereafter, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some proper person to be clerk of the said board; that it shall be the duty of the said president to preside at the meetings of the trustees, to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any by-laws; to see that all the by-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such by-laws; to receive and lay before the trustees the returns of the fire-wardens; and who, with the consent of the major part of the trustees, shall appoint under his hand and the seal of the said village, a company of firemen, not exceeding twenty in number, to inspect the utensils belonging to the said village for extinguishing fires; and whose duty it shall be more particularly to see the engines and fire utensils, engine-houses, and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all other such acts and things as may be proper for him as president of the board of trustees to do; and in case of the death, absence or inability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of the said corporation.

Collector's duty.

XI. *And be it further enacted*, That the collector shall, within such time as shall hereafter be provided for by the by-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Accounts.

XII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expences and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, clerk, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or the major part of them, by a by-law of the said corporation, shall provide.

XIII. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation. Restriction.

XIV. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall hold their respective offices until the first Tuesday of June next following after their election of trustees as aforesaid, and until a new election for trustees of said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee. Duration of officers.

XV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked, offered or exposed for sale by any baker or other person within the said village, and to inflict reasonable penalties upon all offenders against the said ordinances. Assize of bread.

CHAP. CCLV.

An ACT for the relief of Seth C. Baldwin.

Passed April 18, 1815.

WHEREAS Seth C. Baldwin in 1804 purchased four lots of land from the commissioners of the land office, and executed bonds to secure the payment of the consideration money, and the said Baldwin having paid the sum of two hundred and eight dollars and eighty-three cents, and being desirous of relinquishing his contract: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the attorney-general is hereby authorised and directed, on the delivery and surrender to him of the original certificates of sale of the said several lots, to cancel the obligations aforesaid, executed by the said Seth C. Baldwin, to the people of this state for the consideration money aforesaid, and also to discharge the execution which has been issued against the said Baldwin for the interest in arrear on the said bonds, and to enter satisfaction on the judgment against the said Baldwin, so that the said Baldwin pay to the attorney-general the costs due on the said judgment and execution, and produce a receipt from the sheriff in whose hands the said execution has been placed, for his fees on the same.

CHAP. CCLVI.

An ACT further to amend the act concerning Quit-Rents.

Passed April 18, 1815.

L. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That on any sale to be made

Undivided
portions may
be sold for
quit-rent.
Proviso.

by the comptroller, where in his opinion the same is expedient, for arrears of quit-rent, in his discretion to sell an undivided portion of the land on which the quit-rent is in arrear : *Provided, always*, That no costs shall be allowed to the purchaser or purchasers at such sale, in any suit for partition of said lands, which may be bought by him or them, nor to any person or persons holding under any such purchaser or purchasers, nor in any suit at law brought to recover possession of the same, unless the former owner of said land shall after such partition, refuse to deliver possession thereof without suit.

Particular
parcels may
be redeemed.

II. *And be it further enacted*, That if any person owning any particular lot, piece or parcel of land, within the bounds of the land of which an undivided part shall be so as aforesaid sold, shall within the time limited by law for the redemption of land sold, redeem so much of the land so sold as shall amount to a just proportion for him to redeem, to discharge the lot, piece or parcel of land so owned by him, comparing the quantity owned by him with the whole quantity chargeable at the time of sale, the land of every such person shall be as effectually discharged from such sale, as if he had paid the arrears on his particular lot, piece or parcel of land, before the sale.

U. S. stock
may be taken
in payment.

III. *And be it further enacted*, That it shall be lawful for the comptroller to receive payment of arrears of quit-rent, in any stock created by authority of the United States, duly transferred to the people of this state, at the nominal amount of such stock : *Provided*, That the commutation for the future quit-rents be at the same time paid.

Notice to be
given before
the expiration
of the
time for redemption.

IV. *And be it further enacted*, That the comptroller shall, at least six months before the expiration of the time limited for the redemption of any lands which may be sold at any sale for quit-rents, cause an advertisement to be published at least once in each week, for six weeks successively, in at least four of the public newspapers, printed in each of the four great districts of this state, in such form as he shall deem well calculated for the purpose, giving notice of such sale, and that unless the lands sold should be redeemed by a certain day, they would be conveyed to the purchasers.

Purchasers
to give notice
to persons in
possession of
the lands.

V. *And be it further enacted*, That after any purchaser or purchasers of lands to be sold so as aforesaid, or other person or persons holding under him or them, shall have procured partition, and the undivided right obtained by him or them by such purchase to be divided and set off, the said purchaser or purchasers, or those holding under them, shall, in case there shall be any tenant or tenants in the actual possession and occupation of his or their right so set off and divided, give a written notice to such tenant or tenants, of his or their right so as aforesaid acquired, stating particularly the amount of the consideration paid therefor to the state, and the interest, at the rate of seven per centum per annum on the said consideration, to the day on which the said notice shall be served; and stating also, that if the said tenant or tenants shall not within six months thereafter, pay to him or them, the amount of the said consideration and interest thereon, and also twenty-five per centum on the amount of the said consideration and interest, that then he or they, the said purchaser or purchasers, or persons holding un-

der him or them, will become completely vested with the title to the lands so purchased, and they the said tenant or tenants and all others be deprived thereof; and if such tenant or tenants shall neglect or refuse to pay the said consideration and interest, with twenty-five per centum on the amount thereof, the title of the said purchaser or purchasers, and of those holding under them, as far forth as regards such tenant, shall be absolute, after the expiration of said six months.

VI. *And he it further enacted*, That the tenant or tenants in possession as aforesaid, who shall make payment according to the provisos of the last preceeding section, shall, if their said land was sold for quit-rents due on other lands, as well as on their said land, be entitled to recover from the owners of the other lands, such part of the said sum so as aforesaid paid by them, as shall be proportionate to the quit-rents which were due on such other lands at the time of the sale by the comptroller, together with legal interest.

Remedy of persons whose lands shall be sold for quit-rents due from others.

III. *And be it further enacted*, That the comptroller shall cancel and discharge on the books in his office, the quit-rents charged on all patents to churches.

Quit-rents on church patents to be cancelled.

CHAP. CCLVII.

An ACT supplementary to an act, entitled "An act for opening and making a Road between the city of Albany and the river St. Lawrence," passed 19th June, 1812.

Passed April 18, 1815.

WHEREAS the appropriations already made for completing the great objects contemplated by said act, are inadequate, inasmuch as about seventy miles only are opened out of eighty-five miles of the road through the wilderness of the counties of Montgomery and St. Lawrence, and the sums already expended will be entirely lost unless sufficient additional means are granted to open the remaining part of said road; and whereas it is very important to have the road continued and opened from the St. Lawrence turnpike road to the foot of sloop navigation, on the river St. Lawrence, and which will pass through lands belonging to individuals; and whereas the proprietors are generally willing and desirous to have their lands taxed for the purpose of opening and making said road: Therefore,

Preamble;

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the commissioners appointed under the act to which this is supplementary, are hereby authorised and directed to explore and mark out a route for a road from where the said Albany and St. Lawrence road already laid out, intersects the St. Lawrence turnpike road, to or near the foot of sloop navigation, on the river St. Lawrence, the most direct the nature of the country will admit of, and they shall think most advisable for the public good, and that they have power and authority to enter and take possession of as much of the unimproved lands as may be necessary to open and make the said road, not exceeding

Commissioners directed to explore and mark out the route.

Aid to assess certain lands.

six rods wide ; and they are also authorised and directed to assess all lands through which said road shall pass, lying within one mile of the same, a sum not exceeding fifteen cents per acre, nor less than five cents, and on each acre of land lying within two miles of said road and more than one mile, a sum not exceeding six cents, nor less than two cents, the assessment to be apportioned to the value of the lands, and assessed and collected in the same time and manner the former tax was directed to be done by the third section of the aforesaid act, passed June 19th, 1812, for opening the aforesaid road.

To compromise with the owners.

II. *And be it further enacted*, That the said commissioners are hereby authorised to compromise with the several owners of land subject to taxation by this act, in such manner, that if any owner shall make a road through his land, on the route which the said commissioners shall mark out, and which in their opinion shall be equally good with the other parts of the said road, that then no tax shall be collected from such owner.

3000 dollars to be paid to them.

III. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay over to the aforesaid commissioners appointed under the said act, entitled "An act for opening and making a road between the city of Albany and the river St. Lawrence," the sum of three thousand dollars, to be expended by them in opening and making that part of said road, in the north part of Totten and Crossfield, so called, and on and near the lands belonging to the people of the state of New-York.

CHAP. CCLVIII.

An ACT to incorporate the Cazenovia and Truxton Turnpike Company.

Passed April 18, 1815.

Company incorporated.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That John Stockham, Schuyler Van Rensselaer, Daniel Benson, Perry G. Childs, and all such other persons as shall associate with them; to make a good and sufficient turnpike road, to begin at or near the house of Reuben Risley, in the town of Truxton, in the county of Cortland; thence running the most eligible route to or near the house of Job Gordon; thence to or near the house of Peter Allen; thence to or near the house of Thaddens Beach; thence to or near the house and store of Schuyler Van Rensselaer, in the town of Pompey; thence to or near the house of Joseph Wadsworth, and from thence the most eligible route to the village of Cazenovia, in the county of Madison, there to intersect the third great western turnpike road, shall be, and are hereby created a body politic and corporate, in fact and in name, by the name and style of "The president, directors and company of the Cazenovia and Truxton turnpike road," and by that name and style, they and their successors shall have continual succession, and shall be persons in-law capable of suing and being sued, pleading and being impleaded, answering and being answered

Style.

unto, defending and being defended in all courts and places whatsoever, and in all manner of suits, actions, complaints, causes and matters whatsoever, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the corporation: *Provided*, That such estate, so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and no other purpose whatsoever.

Proviso.

II. *And be it further enacted*, That the stock of said company shall consist of sixteen hundred shares, of twenty-five dollars each, and that John Stockham, Schuyler Van Rensselaer and Perry G. Childs be, and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "An act relative to turnpike companies," passed 13th day of March, 1807.

Stock.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on the said road, for any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, for every waggon or cart drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon or cart; for every cart or other carriage drawn by one horse, mule or ox, six cents, and for every additional horse, mule or ox attached to such cart or carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every stage waggon, chariot, coach or coachee, phaeton, curriple or other pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse attached to such carriage, six cents; for every chaise, chair, sulkey or other pleasure carriage drawn by one horse, twelve and an half cents, and in like proportion for every additional horse; for every sled or sleigh drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled drawn by one horse, ox or mule, four cents; for every score of cattle, horses or mules, twenty cents, and for every score of hogs or sheep, eight cents; and so in proportion for a greater or less number.

Rates of toll.

IV. *And be it further enacted*, That the said company hereby incorporated shall have all the rights and privileges, powers and immunities which are given and granted in and by the aforesaid act entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act.

Privileges.

CHAP. CCLIX.

An ACT for the sale of lands to Samuel Reynolds and Isaac Reynolds.

Passed April 18, 1815.

WHEREAS it appears from a report of the surveyor-general, Preamble.
that there is a piece of three hundred and seventy-seven acres of

Provided on the manufacturing operations above mentioned : *Provided*, That the whole amount of such estate, including the capital stock of the said company herein after mentioned, shall not exceed the sum of two hundred thousand dollars : *And provided also*, That no part of the capital stock of said company shall be employed in any banking transactions, or in the purchase of any stock of this state or of the United States.

Affairs to be managed by 7 trustees.

II. *And be it further enacted*, That the stock, property and concerns of the said company shall be managed and conducted by seven trustees ; and that the said Robert Gill, Elihu White and Thaddeus B. Wakeman, John P. Foote, John F. Gould, Nathaniel Sykes and George F. Hopkins, shall be the trustees of the said company until the first day of May in the year one thousand eight hundred and sixteen ; and that at or previous to that time, and annually thereafter, there shall be elected the same number of trustees, to serve for one year, at such time and place as shall be directed by the by-laws of the said company ; and public notice shall be given of the time and place of holding every such election, not less than ten days previous thereto, in one or more of the newspapers printed nearest the place where such election shall be held ; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy ; and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he holds shares of the stock of said company ; and the persons having the greatest number of votes (being stockholders) shall be the trustees, and a majority of such trustees shall in all cases be empowered to act ; and whenever any vacancy shall happen among the trustees by death or resignation, or removal out of this state, such vacancy shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said company.

Election may be made on any day.

III. *And be it further enacted*, That in case it shall at any time happen that an election of trustees be not made on the day when by the by-laws of said company it ought to have been done, the said company shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold an election for trustees in such manner as shall be directed by the by-laws of said company.

Stock.

IV. *And be it further enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each ; and it shall be lawful for the trustees to call and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published for that time, in one or more of the public newspapers in the city or county where such payment is required to be made ; and if no newspaper be published in such county, then in the newspaper published nearest the place where such payment is required to be made.

By-laws.

V. *And be it further enacted*, That the trustees of the said company for the time being shall have power to make and ordain

such by-laws, rules and regulations as they shall deem proper, respecting the management and disposition of the business, stock, property and estate of said company, the duties of the officers, agents, artificers and servants by them employed, the election of trustees, and all such matters as appertain to the concerns of said company, and to appoint so many of such officers, agents, clerks and servants for carrying on the business of said company, and with such wages or compensation as to them shall seem proper and reasonable: *Provided*, That such by-laws be not inconsistent with the constitution and laws of this state or of the United States.

VI. *And be it further enacted*, That the stock and property of the said company, of whatever nature or description, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said company, and that for all debts which shall be due and owing by the said company at the time of its dissolution, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in the said company, and no further.

VII. *And be it further enacted*, That this shall be deemed a public act in all courts and places, and be benignly and favorably construed for all the beneficial purposes expressed therein.

CHAP. CCLXII.

An ACT to regulate the Fees of Public Notaries.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That no notary public, or other person, shall exact, demand or ask, or be allowed any greater or other fee or reward, for or in respect to any protest, than after the rate hereinafter specified, that is to say: for drawing and copying every protest on a promissory note or bill of exchange, twenty-five cents; for drawing and copying every other protest, twenty cents for every folio of an hundred and twenty words; for sealing the same, twenty-five cents; for drawing every notice of protest, copy and service, twenty-five cents; for drawing and copying every affidavit taken before him, twenty cents for every folio of one hundred and twenty words: *Provided*, That nothing in this act contained shall be deemed or construed to apply to the city and county of New-York.

II. *And be it further enacted*, That if any person shall knowingly or wilfully exact or compel any person to pay for any of the services aforesaid, any other or greater fee, sum of money or reward than is herein before allowed for the same, every such person, upon conviction thereof, either at the suit of the party grieved, or upon information or indictment, shall pay to the party grieved treble damages; and such fine to the people of this state as the court in which such conviction shall be had shall think proper to impose, and shall also lose his office.

Allowance to chaplains of the legislature. warrant of the comptroller, to each of the several clergy who shall have attended the legislature as chaplains, during the present session of the legislature, the sum of two dollars and fifty cents for every day they may have so attended, and that the number of days each shall have attended, shall be certified by the president of the senate, or the speaker of the assembly.

Incidental expenses of the governor. II. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the person administering the government of this state, to defray the incidental expences of administering the same, a sum not exceeding three thousand dollars.

Rent and taxes of his house. III. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay the rent and taxes for last year, of the house occupied by his excellency the governor.

Postage to G. Mancius. IV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to George W. Mancius, late post-master, the sum of two hundred and six dollars and ninety-six cents, being the amount of his bill for the postage of certain laws transmitted by the secretary to the respective town clerks in this state, pursuant to a concurrent resolution of the senate and assembly, of the twenty-fourth day of October last.

Secretary's duty relative to distributing laws and journals. V. *And be it further enacted*, That in order to the speedy distribution of such laws and journals as are directed by resolution or act of the legislature, to be distributed to the members of the legislature, and the county and town clerks, it shall be the duty of the secretary of this state, as soon as may be after the laws and journals of each session shall have been deposited in his office, to cause the requisite number for the respective counties to be put up in boxes, and to notify the county clerks thereof, and on being so notified, it shall be the duty of the county clerks respectively, as soon as may be thereafter, to cause the said laws to be transported to their respective offices, and shall for that purpose send by some proper person, an order to the secretary to deliver the said laws and journals, and the secretary shall deliver the same on such order, and not otherwise; and the secretary is also directed to put up in boxes the laws directed to be sent to the respective states in the union, and to transmit the same in the manner that shall appear to him the most eligible; and the treasurer is hereby directed, on the warrant of the comptroller, to pay the cost of said boxes and packing up the said laws and journals.

Number of laws to be printed annually. VI. *And be it further enacted*, That eight hundred and fifty copies of the laws of the present and future sessions of the legislature shall be printed by the state printer, and deposited in the secretary's office for the use of this state.

Allowance to J. R. Van Rensselaer for certain laws. VII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Jacob Rutzen Van Rensselaer, forty-eight dollars, for so much money paid by him on the purchase of six sets of the laws of the United States for the use of the legislature, pursuant to a concurrent resolution of both houses, passed the seventeenth day of October last past.

Certain tax returns to be admitted by the comptroller. VIII. *And be it further enacted*, That all such returns of the arrears of the tax of the year one thousand eight hundred and fourteen, as have or may be made to the comptroller's office, if examined and certified in the manner prescribed by the eleventh section

of the act for the assessment and collection of taxes, shall be admitted by the comptroller, and be as valid to all intents as if the same had been examined and certified in the manner prescribed by the seventh section of the act, entitled "An act concerning the valuation of real property in the county of Sullivan, and for other purposes, and to amend the act for the assessment and collection of taxes," passed 15th April, 1814.

IX. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to such sheriffs as have or may serve on public defaulters, citations of the comptroller to account their fees for such services. Fees to certain sheriffs.

X. *And be it further enacted,* That the surveyor-general be, and he is hereby authorised to make such repairs to the State Hall as he shall deem necessary and proper, and that the treasurer, from time to time, on the warrant of the comptroller, pay him such sum and sums of money as shall be necessary to defray the expences, not to exceed one thousand five hundred dollars. State hall to be repaired.

XI. *And be it further enacted,* That the comptroller be authorised to allow Isaac Denniston, agent of Indian affairs, in his account of expenditures, in the year one thousand eight hundred and fourteen, for the entertainment of Indians visiting the seat of government, the sum of seventy-nine dollars and ten cents, which his said account of expenditures exceeded the appropriation by law for that purpose. Allowance to I. Denniston.

XII. *And be it further enacted,* That it shall be lawful for the comptroller to draw on the treasurer for the expence of the postage of the comptroller and treasurer's official letters. Postage of official letters

XIII. *And be it further enacted,* That an interest of seven per centum per annum, shall be charged on the monies loaned under and pursuant to the act, entitled "An act for loaning monies belonging to this state," passed 14th March, 1792, from and after the first Tuesday of May next, instead of the third Tuesday of June next, as provided by the act, entitled "An act to extend the time for the payment of monies loaned by the loan officers and the commissioners of loans, and for other purposes," passed March 3d, 1815. Interest on certain loans.

XIV. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay the expence of printing the act, entitled "An act to create a public and transferable stock, and to lay and collect additional taxes for the use of this state," and also the expence of publishing the necessary notices under said act; and in case the comptroller shall find it necessary, in order to carry into effect the provisions of said act, to go to the city of New-York, it shall be lawful for him to draw on the treasurer for the amount of his reasonable expences. Comptroller allowed certain expences

XV. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate and the speaker of the house of assembly, the sum of one dollar and fifty cents per day for each day's attendance in their respective stations; to each member of the senate and assembly, the sum of one dollar per day for each day's travel and attendance in the legislature; to the clerks of the senate and assembly, and to their respective deputies, and to the sergeant at arms and the door-keeper of

the senate and assembly, the sum of one dollar for each day's attendance for both meetings of the present session of the legislature, in addition to the compensation allowed them respectively in an act entitled "An act for the support of government."

To the clerks
of the senate
and assembly
for indexes.

XVI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to John F. Bacon, clerk of the senate, fifty dollars for making an index to the journals of the senate, and to Aaron Clark, clerk of the assembly, for making an index to the journals of the house of assembly, fifty dollars, and the sum of two dollars and fifty cents per day to the said Clark, as a compensation for an additional assistant clerk employed by him at this session.

Allowance
to the clerk
of assembly
for sundries.

XVII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Aaron Clark, two hundred and fifty dollars, in full of his account for furnishing for the house of assembly, two book cases, one set of Graydon's Digest of the laws of the United States, and one set of the laws of the United States.

Allowance
for rent to
the clerk of
C. Fountain.

XVIII. *And be it further enacted*, That for the payment of the rent of the ground leased by the commissioners of fortifications, in behalf of this state, from the heirs of Cornelius Fountain, deceased, the sum of two hundred and fifty dollars, in addition to the appropriations heretofore made, be paid, as the same shall become due, out of any monies in the treasury of this state not otherwise appropriated, that the treasurer shall pay the same on the warrant of the comptroller.

Allowance
for furniture
for the assembly
chamber.

XIX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Aaron Clark, such sum as shall be audited by the comptroller, for the purchase of a clock, new carpet, and all other necessary furniture and repairs for the assembly room of this state.

Accounts of
commissioners
for improving
the navigation
of Hudson's river,
to be audited
by the
comptroller.

XX. *And be it further enacted*, That the comptroller of this state be, and he is hereby authorised to audit and allow the account of Cornelius Lansing, Joseph S. Mabbet, David Henry, Charles Selden, Jacobus Van Schoonhoven, Hezekiah Ketchum, Samuel Stewart and Joseph Alexander, commissioners appointed in and by the act, entitled "An act to improve the navigation of Hudson's river between the villages of Lausburgh and Troy," passed March 1st, 1799, of their expenditure of monies received pursuant to said recited act; the act, entitled "An act making further provision for improving the navigation of the Hudsons river between the city of Albany and the village of Waterford," passed 14th March, 1800, and the act, entitled "An act further to amend the act, entitled "an act making further provision for improving the navigation of the Hudson river between the city of Albany and the village of Waterford," passed 6th April, 1801, without exacting the usual vouchers in support of the charges in their said accounts, provided they produce the affidavit or affidavits of such of their board, or of such others as were appointed their agents for paying out the monies expended, that the monies charged in their said accounts were actually expended as stated therein.

XXI. *And be it further enacted*, That the notice required in and by the fifth section of the act entitled "An act relative to the man-

agers of lotteries," to be given by the managers of lotteries for the sale at public auction of lottery tickets, shall be published in the manner directed in and by said section, for at least four weeks successively, immediately preceding the commencement of any such sale at auction.

Notice of the sale of lottery tickets how to be published.

XXII. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay to Edward W. Laight the balance which may be due on his account for services as clerk of the courts of oyer and terminer and general sessions of the peace in and for the city and county of New-York, as the same shall be audited and allowed by the court of exchequer.

Allowance to E. W. Laight

XXIII. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the agent of the state-prison, a sum not exceeding twenty thousand dollars, in such sum or sums, and at such time or times as the inspectors may require, for the support of the institution; and further, that the principal keeper of the prison be allowed one hundred and twenty-five dollars in addition to his present salary, so as to make it one thousand dollars.

To the agent of the state-prison.

XXIV. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to Abraham Oake, clerk in the treasurer's office; the sum of three hundred dollars in addition to the salary allowed him by law, and to be computed from the first day of January, one thousand eight hundred and thirteen.

To A. Oake clerk in the treasurer's office.

XXV. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Levi Ward, junior, three hundred and sixteen dollars, for sundry arms and accoutrements furnished by him for the use of this state.

To L. Ward, Jun. for arms.

XXVI. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Parmenio Adams, fifty-nine dollars and sixty-two cents, to be paid by him to the persons hereafter mentioned, for arms and accoutrements furnished by them for the use of this state, in the following proportions, to wit: to Dyer Fitch, three dollars twelve cents; to Joseph Johnson, twelve dollars and fifty cents; to Lemuel Morton, ten dollars; to Asa Johnson, ten dollars; to Elias Ward, twelve dollars; to Elias Pierson, twelve dollars.

To P. Adams for certain purposes.

XXVII. *And be it further enacted,* That the sheriffs fees in the several counties in this state for serving an execution issuing out of any court of common pleas or mayor's court within this state, for or under two hundred and fifty dollars, shall be six cents for every two dollars and fifty cents, any thing in the act entitled "An act regulating the fees of the several officers and ministers of justice within this state," passed April 9th, 1813, to the contrary notwithstanding.

Fees to sheriffs in certain cases.

XXVIII. *And be it further enacted,* That instead of the allowance to sheriffs, made in and by the sixteenth section of the act entitled "An act concerning the state-prison," for their services and expences in the transportation of convicts sentenced to imprisonment in the state-prison, there be allowed and paid to them respectively for their said services and expences, the following sums, to wit: for the conveying a single convict, for each mile from the county jail from which such convict shall have to be conveyed, to the state-prison, fifty cents; for conveying two convicts, for each mile

Allowance to sheriffs for conveying convicts to the state-prison.

as aforesaid, sixty-seven cents; for conveying three convicts, for each mile as aforesaid, sixty-nine cents; for conveying four convicts, for each mile as aforesaid, seventy-one cents, and for conveying five convicts, for each mile as aforesaid, seventy-three cents, and for all additional convicts, such reasonable allowance as the comptroller may think just, which said allowances, with one dollar per day for the maintenance of each convict whilst on the way to the state-prison, shall be in full of all charges and expences in the premises.

Governor's
accounts with
the U. States
to be adjusted

XXIX. *And be it further enacted*, That it shall be the duty of the comptroller, after adjusting, auditing and settling the general account between the person administering the government of this state, to make out therefrom, under his direction, an account and statement of all such parts of the said account as are properly chargeable to the government of the United States, with the vouchers therefor, and deliver the same to the person administering the government, to enable him to adjust the account therefor between the United States and this state, as required by an act passed at the present session of the legislature; and it shall be the duty of the commissary-general of military stores to furnish to the person administering the government, on or before the first day of July next, with a statement of all the arms and munitions whatever belonging to the state, which have been delivered to and for the use of the United States during the late war, with all needful vouchers and evidence to establish against the United States the claim of this state to have the same returned, or to be paid or indemnified therefor, to enable the person administering the government of this state to settle the account for arms and munitions between the United States and this state, as required by law.

Commissary-
gen'l's duty.

Certain bal's
of the gov't's
accounts to
be settled.

XXX. *And be it further enacted*, That it shall be lawful for the comptroller to allow and pay the balance of the account of the governor for expenditures under and pursuant to those sections of the act entitled "An act further to provide for the defence of the frontier, and for other purposes," passed June 12, 1812, where the appropriation has been exceeded, out of any monies in the treasury not otherwise appropriated.

Compensa-
tion to John
Vernor.

XXXI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to John Vernor, deputy commissary of military stores in the city of Albany, the sum of five hundred dollars, as an additional compensation for his increased labors in the duties of his office for two years past, and for his superintending the building of the magazine west of the said city.

Secretary al-
lowed certain
expences.

XXXII. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the secretary of this state, the amount of the expences incurred by him in forwarding the several laws passed at the present session, apportioning the senators and members of assembly among the several districts and counties of this state.

Allowance to
the adjutant-
gen'l for of-
fice expences

XXXIII. *And be it further enacted*, That the treasurer shall pay to the adjutant-general, on the warrant of the comptroller, for the expences of his office, the sum of five hundred dollars per year, payable half yearly, to commence on the first day of January last past.

XXXIV. *And be it further enacted,* That the comptroller be, and he is hereby authorised and directed to draw his warrant on the treasurer in favor of Abraham Van Ingen, for twenty-one dollars and seven cents, being the amount of taxes, interest and charges for which sixteen acres of land were sold out of the north-east corner of lot number thirteen, in Solon, for taxes erroneously imposed on said lot while the same belonged to the people of this state, and consequently not subject to taxation.

Money to be refunded to A. V. Ingen.

XXXV. *And be it further enacted,* That if the bank of America and the city bank of New-York shall together, on the requisition of the comptroller, subscribe to the loan of one million three hundred thousand dollars, authorised by the act entitled "An act to create a public and transferable stock, and to lay and collect additional taxes for the use of this state," a sum, which added to all other subscriptions to that loan shall be sufficient to make up the whole amount thereof, the said banks shall thereafter respectively be exonerated and fully discharged from the obligations imposed upon them respectively, in and by the act entitled "An act in addition to the act entitled "an act to incorporate the stockholders of the city bank of New-York, and the act entitled "An act relative to the bank of America:" *Provided,* That the sums which they may be so required to subscribe, and shall subscribe as aforesaid, shall together amount to eight hundred and twenty-three thousand dollars; and in case the amount which it shall be necessary for them to subscribe as aforesaid shall fall short of the said sum of eight hundred and twenty-three thousand dollars, then the obligation imposed upon them by the said two last mentioned acts shall continue, so far as regards the sum which their said subscriptions shall fall short, and no farther.

Bank of America and city bank of N. York, on subscribing a certain sum to state loan

To be exonerated from certain former obligations

XXXVI. *And be it further enacted,* That the sums to be subscribed by the said bank of America and the city bank of New-York respectively, shall not be transferred by the comptroller to the banks in which the state deposits are kept, or either of them, but be placed to the credit of the treasurer of this state in the said bank of America and the city bank of New-York respectively, there to remain until paid over to the United States, or until the expenditures of the state require the money to be drawn from said banks.

Deposit of sums subscribed not to be transferred to other banks.

XXXVII. *And be it further enacted,* That the like additional compensation shall be allowed to the messenger and door-keeper of the council of revision and council of appointment, as was allowed by law to the messengers and door-keepers of the senate and assembly for the year one thousand eight hundred and fourteen.

Allowance to the door-keeper of the council of revision.

XXXVIII. *And be it further enacted,* That the sum of twenty-five thousand dollars be, and the same is hereby appropriated for the completion and equipment of the works and fortifications erecting by the state on Staten-Island, and the comptroller shall issue his warrant for the same, on the order of the person administering the government.

Appropriation to finish the works at Staten-Island

XXXIX. *And be it further enacted,* That the commissary of military stores is hereby authorised, under the direction and with the approbation of the governor, to purchase two thousand muskets and equipments, five hundred rifles, ten cannon, with carria-

Arms, &c to be purchased

ges and implements complete, and one hundred barrels of powder, for the use of the state, and of the manufacture of this state, and the comptroller is hereby directed, on the order of the governor, to draw his warrant on the treasurer for such sum or sums of money as may be necessary for the purpose aforesaid.

Appropriation for the commissary and q. master's departments during the late war.

XL. And be it further enacted, That the sum of twenty thousand dollars be, and the same is hereby appropriated to defray the expences of the commissary's department, and for the pay for the muskets purchased by order of Major-general Hall, in December 1813, to repel the invasion of the Niagara frontier, and the sum of five thousand dollars for the use of the quarter-master's department, in the payment of transportation and contingent expences of militia called into state service during the late war, to be drawn as aforesaid, for the expenditure and application of all which appropriations, accounts and vouchers shall be rendered by the respective departments at the next session of the legislature.

Allowance for investigating George Clarke's title to lands in this state.

XLI. And be it further enacted, That the treasurer shall pay, on the warrant of the comptroller, such sums as he shall, from time to time, audit and allow for expences in the investigation of the title to land in this state claimed by George Clarke.

For investigating the claim of J. J. Astor.

XLII. And be it further enacted, That the comptroller shall, from time to time, audit the account of the commissioners directed to be appointed by concurrent resolutions of the senate and assembly, to investigate the claim of John Jacob Astor to the lands therein mentioned, and that the treasurer of this state, on the warrant of the comptroller, shall, from time to time, pay the amount thereof.

For publishing 4th vol. of society of arts' transactions.

XLIII. And be it further enacted, That the treasurer, on the warrant of the comptroller, pay the expence of publishing the fourth volume of the transactions of the society for the promotion of useful arts.

ERRATA.

- Chap. 12, sec. 2, line 7, for *pleaded*, read *pleading*.
— 18, sec. 8, line 4, for *the by-laws*, read *the laws*.
— 54, enacting clause, line 7, after *forever*, insert *hereafter*.
— 74, enacting clause, line 9, after *double*, insert *the amount of*.
— 84, sec. 1, line 10, obliterate *same*, and insert *making of the*.
— 88, sec. 4, line 8, after *be*, insert *held as*.
— 114, sec. 2, line 12, after *each*, insert *of*.
— —, sec. 5, line 4, for *empowed*, read *empowered*.
— 119, sec. 3, line 15, for *cleaird*, read *cleared*.
— 132, sec. 1, line 3, for *Daniel* read *David*.
— —, sec. 8, line 4, for *to*, read *and*.
— 179, sec. 6, line 2, for *board*, read *quorum*.
— 203, sec. 4, line 3, after *authority*, insert *granted*.
— 209, sec. 2, line 3, after *Angel*, insert *De*.
— 210, sec. 2, line 11, after *separate town*, insert *by the name*.
— 211, sec. 5, line 16, for *four*, read *five*.
— 224, sec. 1, line 6, after *interest*, insert *of the*.
— 256, sec. 6, line 3, for *provisos*, read *provisions*.
— 266, sec. 1, line 3, for *several*, read *reverend*.

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